

PROPOSED CONSTITUTIONAL AMENDMENTS

SENATE JOINT RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENTS—REVISION

S. J. R. No. 11

Proposing eight amendments to the Texas Constitution; revising the separation of powers, legislative, and executive provisions of the constitution; revising the judiciary provisions of the constitution; revising the voter qualification and election provisions of the constitution; revising the education provisions of the constitution; revising the finance provisions of the constitution; revising the local government provisions of the constitution; revising the general provisions of the constitution; revising the mode of amending provisions of the constitution; providing for transition provisions and conforming amendments necessary under the revisions; and providing for effective dates.

Be it resolved by the Legislature of the State of Texas:

Section 1. That the following subsections of this section propose an amendment revising the separation of powers, legislative, and executive provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 1 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the separation of powers, legislative, and executive provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The separation of powers, legislative, and executive provisions of Articles II, III, and IV of the constitution are revised to read as follows:

"ARTICLE II

"SEPARATION OF POWERS

"Section 1. Separation of powers

"The powers of government of the State of Texas are divided among three distinct branches: legislative, executive, and judicial. Except as otherwise authorized by this constitution, members of one branch may not exercise any power properly attached to either of the others."

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"ARTICLE III

"THE LEGISLATURE

"Sec. 1. The legislative power

"The legislative power of the State of Texas is vested in a senate and a house of representatives, together styled 'The Legislature of Texas.'

"Sec. 2. Composition

"The senate consists of 31 members. The house of representatives consists of 150 members.

"Sec. 3. Qualification of members

"(a) To be eligible to serve in the senate, a person must be a qualified voter at least 25 years old and immediately preceding election have been a resident of this state for five years and of the senatorial district for one year.

"(b) To be eligible to serve in the house, a person must be a qualified voter at least 21 years old and immediately preceding election have been a resident of this state for two years and of the representative district for one year.

"(c) In the general election following a redistricting, a person is eligible to the legislature from any new district that contains a part of the district in which that person was eligible for election immediately preceding the redistricting, but only if within 60 days after election that person becomes a resident of the new district.

"(d) The office of a member of the legislature becomes vacant if the member changes residence from the district from which the member was elected unless the change is to comply with Subsection (c) of this section.

"(e) A member of the legislature may not hold any other office or position of profit or trust under this state, the United States, or a foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces or of the armed forces reserves of the United States, or as a notary public.

"(f) A person holding a lucrative office under this state, the United States, or a foreign government, is not eligible to serve in the legislature during the term of that lucrative office.

"Sec. 4. Election and terms of members

"(a) Senators and representatives are elected by the qualified voters of their respective districts at a statewide general election.

"(b) Each senator serves a term of four years beginning on the date prescribed by law for convening the legislature in regular session following election. The qualified voters elect a new senate after each statewide senatorial redistricting. The senators shall decide by lot which serve four-year terms and which serve two-year terms, so that one-half will be elected every two years thereafter.

"(c) Each representative serves a term of two years beginning on the date prescribed by law for convening the legislature in regular session following election.

"(d) Vacancies in the senate and house of representatives are filled by special election in the manner prescribed by law.

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“Sec. 5. Redistricting

“(a) Before December 15 following publication of each federal decennial census, the legislature by law shall divide the state into single-member senatorial, single-member representative, and single-member congressional districts.

“(b) Senatorial, representative, and congressional districts must be composed of compact and contiguous territory and contain, respectively, as nearly as practicable an equal number of inhabitants except that a county is not to be divided unless necessary to prevent a significant population variance among districts.

“(c) County lines are to be respected in drawing district lines. If the population of a county is sufficient to provide for one or more districts, only population in excess of that required for complete districts may be added to population of other counties to form districts. If the excess population in a county equals 50 percent or more of that required for a district, the excess must be kept in a single district.

“(d) If the Supreme Court of Texas or a federal court enters a final decree concluding legal action that invalidates a redistricting plan or prior to entry of the decree orders a redistricting plan into effect, the legislature shall consider enacting a new redistricting plan. If the legislature is in regular session on the day that the final decree is entered or the order takes effect, a new redistricting bill may be passed only within 30 days thereafter. If the final decree is entered or the order takes effect within 45 days prior to the convening of a regular session, a new redistricting bill may be passed only within the first 30 days after the convening of the session. If the decree is entered or the order takes effect at any other time, the legislature convenes in a redistricting special session within 14 days thereafter, either on a date set by the secretary of state or on the 14th day.

“(e) If the legislature fails to pass a new redistricting bill to replace an invalidated plan or if a new redistricting bill does not become law, a legislative redistricting board consisting of the lieutenant governor, speaker of the house of representatives, attorney general, comptroller of public accounts, and commissioner of the general land office shall convene. The board shall convene within 10 days after the legislature fails to act or a new redistricting bill fails to become law and within 30 days thereafter shall redistrict the state. The legislature shall provide funds for the board’s clerical, technical, and other expenses.

“Sec. 6. Compensation

“(a) Compensation and allowances for members of the legislature may not exceed the amounts recommended by the salary commission established by this section. No change in compensation may take effect prior to the first regular session following a statewide general election.

“(b) The salary commission consists of nine members. The governor, lieutenant governor, speaker of the house of representatives, attorney general, and Chief Justice of Texas, acting together, appoint the members of the commission and designate the chairman. Members must be selected on a nonpartisan basis with due regard to representation of both sexes and of the ethnic groups and geographical regions of the state. No person may be appointed who is related by blood or marriage to, or who has or has had a business association with, an appointing officer. No person may be appointed who has served a full term on the commission.

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"(c) Members serve six-year terms. One-third of the members are appointed every two years. The appointing officers fill vacancies for the unexpired term.

"(d) No member while serving on the commission may hold any other public office, be an employee of the state, or hold an office in a political party.

"(e) The commission shall review legislative compensation and allowances annually and at that time may recommend changes.

"Sec. 7. Sessions

"(a) The legislature shall convene in regular session each year on a date prescribed by law. Sessions may not exceed 140 consecutive days in odd-numbered years and 90 consecutive days in even-numbered years.

"(b) Special sessions may not exceed 30 consecutive days. Veto sessions may not exceed 15 consecutive days.

"(c) Sessions of the legislature must be open to the public.

"(d) Neither house may adjourn or recess for more than 10 days without the consent of the other.

"(e) The legislature shall meet at the seat of government unless otherwise provided by law.

"(f) The legislature by petition of three-fifths of the membership of each house may convene in veto session on the first Monday following the 50th day after adjournment solely to reconsider bills or resolutions for passage over a veto. Bills or resolutions that may be reconsidered are (1) bills, resolutions, or appropriation items that the governor vetoed within 10 days of adjournment and that the legislature did not reconsider before adjournment and (2) bills, resolutions, or appropriation items that, by virtue of action of the governor after adjournment, did not become law.

"Sec. 8. Organization and procedure

"(a) Each house is the judge of the qualifications and election of its own members, but contested elections are determined as provided by law.

"(b) The legislature may provide by law for assembling and organizing either or both houses prior to the convening of a regular session. If the assembly precedes the regular session following a statewide general election, the assembly is composed of the members of either or both houses of the next legislature.

"(c) At an organizational assembly prior to or at the beginning of the regular session in an odd-numbered year, each house by majority vote may adopt or amend its rules of procedure. The legislature by majority vote of the membership of each house shall adopt joint rules. Rules of procedure and joint rules, once adopted, remain in effect until changed by the same or succeeding legislatures.

"(d) At an organizational assembly or on convening in regular session, at the beginning of other sessions, and at the end of each session, the senate shall elect from its members a president pro tempore who performs the duties of lieutenant governor when the lieutenant governor is absent or disabled, or when the office is temporarily vacant.

"(e) At an organizational assembly prior to or at the beginning of the regular session in an odd-numbered year, the house of representatives shall elect a speaker from its members. The legislature may limit by law the number of terms a person may serve as speaker.

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"(f) Two-thirds of the membership of each house constitutes a quorum for transacting business, but fewer members may recess or adjourn from day to day and may compel the attendance of absent members.

"(g) Each house shall prepare and publish a journal of its proceedings while in session. At the request of any three members present, the votes on any question must be recorded in the journal.

"(h) Each house may punish a member for disorderly conduct or other cause deemed sufficient by that house and may expel a member by an affirmative two-thirds vote of its membership, but not a second time for the same offense.

"Sec. 9. Legislative immunity

"(a) A member may not be questioned in any other place for speech or debate during a legislative proceeding.

"(b) Except for treason, felony, or breach of the peace, a member is privileged from arrest while attending a session of the legislature and while traveling to and from its meeting place for that purpose.

"Sec. 10. Conflict of interest

"(a) No member may be appointed to an office that is filled by the legislature.

"(b) During the term for which elected, a member is ineligible for appointment to (1) any civil office of profit under this state that is created or the emoluments of which are substantially increased during that term, or (2) any office or position the appointment to which is made by either house of the legislature. The ineligibility terminates on the last day in December of the last full calendar year of the member's term.

"(c) A member privately interested in a bill, resolution, or other matter before the legislature shall disclose that interest and not vote on the bill, resolution, or other matter.

"(d) No member may enter into a contract with the state during the term for which the member is elected unless the contract is a renewal under an existing state program.

"Sec. 11. Bills and resolutions

"(a) A law may be enacted only by bill.

"(b) A bill may originate in either house. After a bill passes one house, the other may amend or reject it, but neither house may so amend a bill as to change its original purpose.

"(c) A bill must be limited to a single subject. The subject must be expressed in the title of the bill. If a bill that becomes law embraces a subject that is not expressed in the title, only the portion of the law concerning the subject not expressed in the title is void. A general appropriations bill must be limited to the subject of appropriations. A statutory revision bill must be limited to that subject.

"(d) A bill, amendatory in form, must set out the complete section, as amended, of the statute it amends.

"(e) Before a house considers a bill, it must have been referred to a committee of that house and reported at least five days before adjournment of the session, but either house by a record affirmative four-fifths vote of the members present and voting may suspend this five-day requirement.

"(f) Before a bill becomes law, it must be read in each house on three separate days. Either house by a record affirmative four-fifths vote of the members present and voting may suspend this requirement.

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"(g) If a bill or resolution is defeated by a vote of either house, no bill or resolution containing the same substance may be passed during the same session.

"(h) The presiding officer of each house shall certify the final passage of each bill and the final passage of each resolution that requires the concurrence of both houses. The fact of certification must be recorded in the journal.

"(i) No law except general appropriations acts and redistricting acts may take effect until 90 days after adjournment of the session at which it was enacted. The legislature by a record affirmative two-thirds vote of the membership of each house may authorize an earlier effective date.

"Sec. 12. Action on bills and resolutions

"(a) Each bill that passes both houses of the legislature must be presented to the governor. The governor may approve the bill by signing it, in which event it becomes a law. The governor may veto the bill by returning it with objections to the house in which it originated. That house shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill passes that house by a record affirmative three-fifths vote of the membership, it must be sent with the governor's objections to the other house, which shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill likewise passes that house by a record affirmative three-fifths vote of the membership, the bill becomes a law. If the governor fails to veto a bill within 10 days (Sundays excepted) after it is presented, the bill becomes a law. If the legislature by its adjournment prevents a veto, a bill becomes a law unless within 20 days after adjournment the governor files the bill and objections with the secretary of state and gives public notice thereof by proclamation. If the legislature meets in veto session, the secretary of state shall return the bill with the governor's objections to the house in which the bill originated for reconsideration in the manner provided above. Bills that become law are filed with the secretary of state.

"(b) The governor may veto any item of appropriation in a bill. Portions of a bill not vetoed become law. An item vetoed, together with the governor's objections, must be returned to the house in which the bill originated and may become law in the same manner as a vetoed bill.

"(c) Resolutions requiring the concurrence of both houses of the legislature must be presented to the governor. The governor may approve a resolution by signing it or permit it to become effective by filing it with the secretary of state. The governor may disapprove a resolution by returning it to the house in which it originated. In that case the resolution does not become effective unless repassed by both houses in the same manner as a vetoed bill. Presentation to the governor is not required if a resolution pertains to (1) an amendment to the state or federal constitution, (2) a referendum, (3) adjournment, (4) legislative rules, (5) an investigation or study, (6) internal administration of the legislative branch, or (7) removal by address.

"Sec. 13. Local and special laws

"(a) Except as expressly authorized by this constitution, the legislature may not enact a local or special law if a general law is or can be made applicable. Whether a general law is or can be made applicable is a question subject to judicial determination.

"(b) No local bill may be passed unless notice of the intention to introduce the bill has been given in the affected locality in the manner

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prescribed by law. Evidence that the notice was given must be exhibited in the legislature before the bill is passed. Compliance with these notice requirements is subject to judicial review.

"(c) A local law must identify the area to which it applies by the name or other official designation of the area.

"(d) No bill may be considered and no law enacted that limits or defines the area to which it applies by the use of population figures or other statistical data except general laws that have statewide application and classify all of one or more types of political subdivisions on the basis of population.

"Sec. 14. Impeachment

"(a) The house of representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by a record majority vote of its membership, to impeach officers of the executive department, the Chief Justice of Texas, or justices of the supreme court. The house of representatives by petition of a majority of its members may convene and conduct impeachment proceedings.

"(b) An officer against whom articles of impeachment have been preferred is suspended from the exercise of the duties of the office during the pendency of the impeachment. If the governor is suspended, the lieutenant governor acts as governor. If the lieutenant governor is suspended, the president pro tempore of the senate acts as lieutenant governor. In other cases the governor may make a temporary appointment to fill the vacancy during suspension.

"(c) Impeachments are tried by the senate. The senate shall convene for this purpose upon presentation of articles of impeachment by the house of representatives. Senators shall affirm or take an oath to try impartially the party impeached. If the governor or lieutenant governor is tried, the Chief Justice of Texas shall preside. A person may be convicted of impeachment charges only by a record affirmative two-thirds vote of the membership of the senate.

"(d) On conviction by the senate, the office becomes vacant. A judgment of conviction may not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit of this state. An impeached person, whether convicted or acquitted, is amenable to prosecution, trial, judgment, and punishment according to law.

"Sec. 15. Advice and consent of the senate

"An affirmative two-thirds vote of the members present constitutes consent to any appointment which this constitution requires to be with the advice and consent of the senate. A person appointed to an office requiring the advice and consent of the senate does not take office until confirmed by the senate unless the appointment is made when the senate is not in session, in which case the person ceases to serve on rejection by the senate or, if the appointment fails to be voted on at the session to which the appointment is submitted, on adjournment sine die. A person not confirmed by the senate may not be appointed again to fill the same vacancy. An appointment made when the senate is not in session must be submitted to the senate within 10 days after it convenes."

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"ARTICLE IV

"THE EXECUTIVE

"Section 1. Officers

"The governor is the chief executive officer of the state. Officers of the executive department of the executive branch are the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, secretary of state, and other officers as provided by law.

"Sec. 2. Selection and terms of officers

"(a) The governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, and other elected officers of the executive department provided for by law are elected by the qualified voters of the state for four-year terms. Separate votes are cast for candidates for governor and lieutenant governor. Quadrennial elections for officers of the executive department start with the statewide general election in 1978.

"(b) The secretary of state and other appointed officers of the executive department are appointed by the governor with the advice and consent of the senate and serve at the pleasure of the governor.

"(c) The governor appoints officers to state agencies unless otherwise provided by law. Officers appointed by the governor to state agencies are appointed with the advice and consent of the senate.

"(d) In addition to other procedures provided by law for the removal of appointed officers, officers appointed by a governor with the advice and consent of the senate and not serving at the pleasure of the governor may be removed by the governor only for stated reasons. Prior to removal and not less than 45 days prior to the required adjournment of a regular session or not more than two days after the convening of a special session, the governor shall advise the senate in writing of the reasons for the proposed removal. If within 45 days after receipt of the governor's statement of reasons the senate by majority vote of the membership rejects the governor's proposed removal, the governor may not remove the officer for those stated reasons.

"(e) The term of an officer appointed by the governor to a statutory state agency expires on a date prescribed by law, but the date must fall between February 1 and May 1 of an odd-numbered year. The terms of officers of multimember state agencies must be staggered.

"(f) Only an appointed officer of a multimember statutory state agency having appointed members may serve as its chairman, unless a law designates a member of the executive department as chairman. The governor designates the chairman in odd-numbered years to serve for a term of two years and in the event of a vacancy designates a new chairman to serve for the remainder of the term. If the governor designates a new appointee as chairman and the officer is not confirmed by the senate, the governor designates a new chairman. If the governor fails to designate the chairman prior to May 1, the appointed members designate the chairman.

"Sec. 3. Returns of election

"Election returns for executive officers must be canvassed and certified in a public forum in the manner prescribed by law.

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"Sec. 4. Governor's eligibility and installation

"(a) To be eligible to serve as governor, a person must be a citizen of the United States at least 30 years old and have been a resident of the state for at least five years immediately preceding election. A person serving as governor in the second of two consecutive four-year terms is not eligible for a third consecutive term.

"(b) The legislature shall provide an appropriation for assistance to a governor-elect prior to inauguration. A governor-elect is entitled to receive any information and reports that the incumbent governor is entitled to require from officers and state agencies.

"(c) The governor is inaugurated on the second Thursday in January or as soon thereafter as practicable.

"Sec. 5. Gubernatorial succession

"(a) If the governor-elect is disqualified, dies, or refuses the office prior to inauguration, the lieutenant governor-elect becomes governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect acts as governor. If the governor-elect does not assume office by the end of the first year of the term, the lieutenant governor becomes governor and serves for the remainder of the term.

"(b) If after inauguration the office of governor becomes vacant, the lieutenant governor becomes governor. An elected lieutenant governor who becomes governor serves for the remainder of the term. An appointed lieutenant governor who becomes governor serves until the next statewide general election.

"(c) If the offices of both governor and lieutenant governor become vacant, the speaker of the house of representatives, if eligible, becomes governor and serves for the remainder of the term.

"(d) The office of governor or lieutenant governor becomes vacant if the person holding the office dies, resigns, becomes permanently disabled, is removed from office, or comes to the end of a period of appointment.

"(e) If the governor is absent from the state or temporarily disabled, the lieutenant governor acts as governor until the governor returns or is no longer disabled. If the lieutenant governor is also absent from the state or temporarily disabled, the president pro tempore of the senate acts as governor until either the governor or lieutenant governor returns or is no longer disabled.

"(f) While serving or acting as governor a person receives only the compensation payable to a governor.

"(g) The legislature shall provide by law for further succession to the office of governor.

"Sec. 6. Disability of elected officers of executive department

"(a) The governor may notify the Chief Justice of Texas in writing of the governor's temporary disability. If, because of the disability, the governor fails to send notification to the chief justice, a majority of the following officers may jointly send the notification: the lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, speaker of the house of representatives, and president pro tempore of the senate. A temporary disability ends on the delivery to the chief justice of the governor's sworn statement to that effect. The governor's sworn state-

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ment may not be denied by another notification to the chief justice. The same procedure applies in the case of the temporary disability of the lieutenant governor except that the governor and not the lieutenant governor is one of the eight officers voting on a notification. At the end of one year a temporary disability becomes a permanent disability without a determination by the Supreme Court of Texas.

"(b) Whether an elected officer of the executive department is permanently disabled and unable to discharge the duties of office is to be determined only by the Supreme Court of Texas in a proceeding conducted under rules of procedure prescribed by that court. The proceeding may be initiated only by a majority vote of the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, speaker of the house of representatives, and president pro tempore of the senate. If the supreme court determines that the officer is permanently disabled and unable to discharge the duties of office, it shall declare the office vacant.

"Sec. 7. Compensation of officers of executive department

"The compensation of the officers of the executive department may not be diminished during their term of office. The governor has the use of the Governor's Mansion.

"Sec. 8. Dual office holding and employment

"An officer of the executive department may not hold any other civil or corporate office and, for compensation or the promise of compensation, may not practice any other profession or hold any other employment.

"Sec. 9. Commander-in-chief; calling forth militia

"The governor is commander-in-chief of the military forces of the state except when they are called into actual service of the United States. The governor may call forth the militia to execute the laws of the state, suppress insurrections, repel invasions, and protect life and property in cases of disasters.

"Sec. 10. Execution of laws; conduct of business with other states, the United States, and foreign nations

"The governor shall cause the laws to be faithfully executed and shall conduct, in person or in the manner prescribed by law, all intercourse and business of the state with other states, the United States, and foreign nations.

"Sec. 11. Convening the legislature in special session

"The governor, on extraordinary occasions, may convene the legislature in special session, stating specifically the purpose of the session. The legislature may consider only those matters that the governor specifies in the call or subsequently presents to the legislature.

"Sec. 12. Governor's message

"At the beginning of each legislative session the governor shall, and at other times may, give the legislature information on the condition of the state and may recommend legislative action.

"Sec. 13. Chief planning officer

"The governor is the chief planning officer of the state and may require written information or written reports from all state agencies and executive branch officers on any subject relating to their duties, conditions, management, and expenditures.

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"Sec. 14. Budget preparation

"At the beginning of each session at which appropriations are to be made for the general operation of the government, the governor shall submit to the legislature a budget for all proposed state expenditures for the applicable fiscal period.

"Sec. 15. Budget execution

"(a) The legislature by law may authorize or direct the governor to exercise fiscal control over the expenditure of appropriated money.

"(b) The governor shall ensure that items of appropriation for the executive branch, except items for the other elective offices of the executive department, are expended only as directed by the legislature. The legislature by law may remove the exception.

"Sec. 16. Administrative reorganization

"(a) At the regular session held in odd-numbered years, the governor shall submit to the legislature a report on the organization and efficiency of the executive branch.

"(b) In recommending plans for reorganization of the executive branch, the governor may submit to the legislature one or more reorganization bills limited to consolidating, abolishing, or transferring functions among statutory state agencies in the executive branch. The legislature must consider those bills but may amend them. A submitted reorganization bill, whether amended or not, must be brought to a vote of each house during the session at which the bill is submitted.

"Sec. 17. Reprieves, commutations, and pardons; remission of fines and forfeitures

"(a) The legislature shall prescribe by law the number of members and the terms of office of the Board of Pardons and Paroles. The governor, the Chief Justice of Texas, and the attorney general each appoint an equal number of members of the board. Appointments are made with the advice and consent of the senate. A vacancy is filled by the officer who made the original appointment.

"(b) The governor may grant one reprieve in a capital case for a period not to exceed 30 days. The governor, on the written signed recommendation and advice of a majority of the Board of Pardons and Paroles, may grant pardons, reprieves, and commutations of punishment; remit fines and forfeitures; and revoke paroles and conditional pardons.

"Sec. 18. Lieutenant governor

"The lieutenant governor must be eligible to serve as governor. The lieutenant governor, by virtue of the office, is president of the senate but may vote only to cast a deciding vote when the senate is equally divided.

"Sec. 19. Attorney general

"The attorney general represents the state in those civil actions before the Supreme Court of Texas in which the state may be a party and, except as otherwise provided by law, represents the state in all other civil actions in which the state may be a party. The attorney general shall especially inquire into the charter rights of private corporations and shall take such action in the courts as may be proper and necessary to prevent a private corporation from exercising a power not authorized by law. When sufficient cause exists and unless otherwise expressly directed by law, the attorney general shall seek a judicial forfeiture of a corporate charter. The attorney general shall give legal advice in writing to the governor and other executive officers when requested by them and perform such other duties as may be required by law. The attorney general has the powers of the office as at common law except as expressly

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provided by law to the contrary. The attorney general must be qualified to practice before the Supreme Court of Texas.

"Sec. 20. Commissioner of the general land office

"The commissioner of the general land office shall administer at the seat of government a general land office in which all land titles that emanate from the state must be registered and shall perform other duties as provided by law.

"Sec. 21. Other officers of the executive department

"The comptroller of public accounts, the treasurer, the commissioner of agriculture, and the secretary of state shall perform the duties required by this constitution and other duties as provided by law.

"Sec. 22. Railroad commission

"The railroad commission consists of three commissioners elected at a statewide general election for six-year terms. One commissioner is elected every two years. The legislature by law may prescribe qualifications for the office of commissioner. The commission has the authority and performs the duties prescribed by law. The legislature by law may abolish the commission.

"Sec. 23. Vacancies in statewide elective offices

"Unless otherwise provided by this constitution, vacancies in elective statewide offices are filled by appointment of the governor with the advice and consent of the senate. If the office of lieutenant governor becomes vacant, the governor shall call the senate into session within 20 days to confirm the appointment of a lieutenant governor. If the senate rejects the appointee, the governor shall continue to submit appointments until a lieutenant governor is confirmed. The senate shall then adjourn sine die. The term of an officer appointed to a vacancy in an elective statewide office ends at the next statewide general election.

"Sec. 24. State agencies

"(a) State agencies include all boards, commissions, departments, institutions, and other executive or administrative agencies of state government. State agencies are a part of the executive branch unless otherwise provided by law.

"(b) Statutory state agencies with statewide jurisdiction having appointed officers, except institutions related to higher education, have a life of not more than 10 years unless renewed by law for not more than 10 years at a time. Unless otherwise provided by law, appointed officers serving on the effective date of a renewal continue to hold office for the terms for which they were appointed. A bill to renew an agency or agencies, the life of any one of which expires in less than two years from the beginning of the session in which the bill was introduced, must be reported from committee in the house and senate and brought to a vote in each house not less than 20 days before adjournment.

"(c) Subsection (b) of this section does not end the life of a state agency with outstanding bonds unless the legislature by law first provides for the administration of property under the control of the agency and makes adequate provision for servicing the outstanding debt to ensure that the bond obligations are not impaired.

"Sec. 25. Seal of state

"The seal of the state is a star of five points encircled by olive and live oak branches and the words 'The State of Texas.' The seal of the state is kept by the secretary of state and used by that officer officially under the direction of the governor."

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(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

“TRANSITION SCHEDULE

“The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

“Section 1. Existing laws, rights, and proceedings

“All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

“Sec. 2. Validity of issued bonds

“Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

“Sec. 3. Delayed effective date

“Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law:

“Sec. 4. Provisions of the Constitution of 1876

“Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

“Sec. 5. Terms of office

“Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

“Sec. 6. Anticipatory legislation

“Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

PROPOSED CONSTITUTIONAL AMENDMENTS

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other non-substantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following subsection is added to Section 3 of the transition schedule and appropriately numbered:

"(—) Section 5 of Article III on January 1, 1981."

(3) The following subsections are added to Section 4 of the transition schedule and appropriately numbered:

"(—) Article III, Section 13;

"(—) Article III, Section 29;

"(—) Article III, Section 36—insofar as it refers to revival of bills.

"(—) Article IV, Section 3—insofar as it relates to tie votes and prescribes a procedure for the canvassing of the votes for the governor and lieutenant governor;

"(—) Article IV, Section 11—insofar as it provides for the number of members and the terms of the Board of Pardons and Paroles;

"(—) Article IV, Section 20;

"(—) Article IV, Section 24—insofar as it relates to information under oath and perjury penalties;

"(—) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or the Constitution of Texas is not to exceed two years."

(4) The following sections are added to the transition schedule and appropriately numbered:

"Sec. —. Redistricting

"Until January 1, 1981, unless earlier enacted, repealed, or superseded by law, Sections 25, 26, and 28 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with court rulings.

"Sec. —. Legislative salary commission

"When making the initial appointments to the legislative salary commission, the appointing body shall determine which three members serve until October 15, 1977, which three members serve until October 15, 1979, and which three members serve until October 15, 1981.

"Sec. —. Convening the legislature

"The legislature convenes in regular session at 12 noon on the first Monday in January, 1976. The 1976 regular session of the legislature is limited to considering those matters that are submitted by the governor or such matters as the legislature considers necessary to effect implementation occurring as a result of the adoption of one or more amendments revising one or more articles of the constitution.

"Sec. —. Residence of executive department officers

"Until enacted, repealed, or superseded by law, the requirements of the Constitution of 1876, as amended and as it existed on November 4, 1975,

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that certain officers of the executive department reside at the seat of government, or maintain an office or their records at the seat of government, continue in effect as if by statute.

"Sec. —. Alignment of terms of office

"Subject to a law or laws establishing terms within the guidelines of Article IV, Section 2, Subsection (e), the terms of all officers appointed by the governor to statutory state agencies are extended to February 1, 1979, 1981, and 1983, if they expire prior to those dates but after January 31, 1978, 1980, and 1982, respectively; are shortened to April 30, 1977, 1979, and 1981, if they expire subsequent to those dates but prior to February 1, 1978, 1980, and 1982, respectively; and are extended to February 1, 1977, if they expire after December 31, 1976, and prior to February 1, 1977. The foregoing adjustments are applicable only to offices that are not abolished.

"Sec. —. State agency renewal

"(a) Within two years of January 1, 1976, the Texas Legislative Council, or its successor, shall submit to each house of the legislature a suggested agency disposition list for Subsection (b) of Section 24 of Article IV. This disposition list is to contain as nearly as possible a complete listing of all state agencies affected by Subsection (b) of Section 24.

"(b) An affected agency not included on the disposition list shall register with the Legislative Council prior to May 31, 1978, listing its membership, statutory authorization, and who appoints its members. The Legislative Council shall transmit this information to the speaker of the house of representatives and the lieutenant governor, who shall add the agency to the disposition list.

"(c) Beginning in the 1979 regular session, the legislature shall consider individually each agency on the disposition list.

"Sec. —. Reorganization

"Within two years after January 1, 1976, the governor shall submit to the legislature at least one bill of reorganization in conformity with Section 16 of Article IV.

"Sec. —. Legislative compensation

"Until the legislative salary commission makes its recommendations and new rates of compensation and allowances are set in conformity with Article III, Section 6 of this constitution, members of the legislature receive the compensation and allowances in effect on December 31, 1975."

(5) If Proposition No. 2, The Judiciary, is not adopted, the following is added to the transition schedule and appropriately numbered:

"Sec. —. Board of Pardons and Paroles

"If a vacancy in the Board of Pardons and Paroles occurs and the presiding judge of the court of criminal appeals had made the appointment, the attorney general shall fill the vacancy in the manner provided by law."

(c) Except as expressly provided otherwise below, the following changes are made in the constitution on January 1, 1976:

(1) The following sections of Article III of the constitution are repealed: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 23a, 24, 26a, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 51-b, 56, 57, 58, and 61 (as added in 1954);

(2) Sections 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 26 of Article IV of the constitution are repealed;

(3) Articles II, XIII, and XIV of the constitution are repealed and, on September 1, 1976, the articles following Article XIV are appropriately renumbered;

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(4) Sections 1, 2, 3, 4, and 5 of Article XV of the constitution are repealed;

(5) Sections 30 and 30a of Article XVI of the constitution are repealed;

(6) The following is added as Section 68 of Article XVI of the constitution:

"Section 68. The legislature may pass local or special laws for the preservation of game and fish of this state."

(7) On September 1, 1976, those sections of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, that are not repealed on January 1, 1976, are repealed, except:

(A) If Proposition No. 2, The Judiciary, is not adopted, Section 45 of Article III is retained as a section in revised Article III and is appropriately renumbered;

(B) If Proposition No. 5, Finance, is not adopted, Sections 44, 49, 49a, 49-b, 49-c, 49-d, 49-d-1, 49-e, 50, 50a, 50b, 50b-1, 51, 51-a, 51-c, 51-d, 51g, 52 (Subsection [a]), 52-b, 52e (as added in 1967), 53, 54, 55, 59, 60, 61 (as added in 1952), and 65 of Article III are retained as sections in revised Article III and are appropriately renumbered;

(C) If Proposition No. 4, Education, is not adopted, Section 65 of Article III is retained as a section in revised Article III and is appropriately renumbered;

(D) If Proposition No. 6, Local Government, is not adopted, Sections 48-d, 52 (Subsections [b] and [c]), 52d, and 64 of Article III are retained as sections in revised Article III and are appropriately renumbered; or

(E) If Proposition No. 7, General Provisions, is not adopted, Sections 20 and 47 of Article III are retained as sections in revised Article III and are appropriately renumbered.

(8) On September 1, 1976, Sections 11A and 25 of Article IV of the Constitution of 1876, as amended and as it existed on November 4, 1975, are repealed, except:

(A) If Proposition No. 2, The Judiciary, is not adopted, Section 11A is added as a new section in Article V and is appropriately numbered;

(B) If Proposition No. 7, General Provisions, is not adopted, Section 25 is retained as a section in revised Article IV and is appropriately renumbered.

(d) The effective date of this amendment is January 1, 1976.

Sec. 2. That the following subsections of this section propose an amendment revising the judiciary provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 2 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the judiciary provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The judiciary provisions of Article V of the constitution are revised to read as follows:

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“ARTICLE V

“THE JUDICIARY

“Section 1. Judicial power

“(a) The judicial power of the state is vested in the judicial branch. The state unified judicial system is composed of a supreme court, courts of appeals, district courts, and circuit courts. All courts have jurisdiction as provided by law, but jurisdiction of courts of the same level within the unified judicial system must be uniform throughout the state. No courts may be created except those authorized by this article.

“(b) The legislature by law may grant the supreme court the power to answer questions of state law certified from a federal court.

“(c) Courts that have original jurisdiction of criminal cases may (1) subject to regulation by law, suspend imposition or execution of sentence and place a defendant on probation, or (2) if authorized by law, modify, set aside, or reimpose sentence.

“Sec. 2. Supreme court

“The supreme court is the highest court of the state and consists of the Chief Justice of Texas and at least eight other justices. The court may sit en banc or in sections of not fewer than five justices. The concurrence of a majority of the justices sitting is necessary to decide a case.

“Sec. 3. Courts of appeals

“The legislature by law shall establish one or more districts and in each provide for a court of appeals consisting of a chief judge and at least two other judges. The court may sit in sections if authorized by law. The concurrence of a majority of the judges sitting is necessary to decide a case.

“Sec. 4. District courts

“The state is divided into judicial districts, each with one district court having one or more judges. The legislature from time to time may determine by law the number and location of districts and the number of judges in each district.

“Sec. 5. Circuit courts

“The legislature by law may provide for circuit courts, each with one or more judges, and from time to time shall determine the number and location of circuit courts. A circuit court may serve one or more counties, but no county may be served by more than one circuit court.

“Sec. 6. Other courts

“(a) The county courts in existence on August 31, 1976, are continued unless otherwise provided by law. The county courts have jurisdiction as provided by law. The county judge is the presiding officer of the county court and has judicial functions as provided by law.

“(b) The governing body of each county shall (1) divide the county from time to time into not fewer than four nor more than eight justice precincts and (2) establish and maintain one or more justice courts, each serving one or more precincts in the manner prescribed by law.

“(c) Municipal courts may be established by law or by charter as authorized by law.

“Sec. 7. Court administration and rulemaking authority

“(a) The supreme court shall provide for the efficient administration of the judicial branch. The supreme court may delegate administrative authority to the chief justice and the administrative judges.

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"(b) The supreme court may direct the transfer of cases between courts of the same level. The supreme court may temporarily assign justices or judges within or between levels.

"(c) Each court of appeals district constitutes an administrative district for the management of trial courts. The Chief Justice of Texas with the advice and consent of the senate shall designate a judge to serve as the administrative judge of each district.

"(d) The legislature by law may provide for an agency of the judicial branch to propose rules for administration of the unified judicial system and to perform other duties as provided by law. Members of this agency are not subject to the provisions of Article II of this constitution.

"(e) A rule of administration may not be inconsistent with general law or rules of procedure and does not take effect until approved by the supreme court.

"(f) The supreme court may promulgate rules of civil procedure for all courts but may not promulgate other procedural rules except as provided by law. A rule of civil procedure promulgated by the court may not be inconsistent with general law and has no effect if expressly disapproved by the legislature.

"Sec. 8. Qualifications of judges

"To be eligible to serve as a justice, judge, or justice of the peace, a person must be a citizen of the United States, a resident of this state, and otherwise qualified as prescribed by law. No person may serve as a justice or judge in the unified judicial system unless licensed to practice law in this state.

"Sec. 9. Selection and terms of judges

"(a) The justices of the supreme court are elected for six-year terms by the qualified voters of the state. The judges of each court of appeals are elected for six-year terms by the qualified voters of the court-of-appeals district. A district judge is elected for a four-year term by the qualified voters of the judicial district. A circuit judge is elected for a four-year term by the qualified voters within the geographical area served by the circuit court. The legislature may prescribe by law a mandatory retirement age for justices and judges of these courts.

"(b) A justice of the peace is elected for a four-year term by the qualified voters of the precinct or precincts. A municipal court judge is selected in the manner prescribed by law or by charter as authorized by law.

"(c) A vacancy in the office of justice of the supreme court or judge of a court of appeals, district court, or circuit court is filled by appointment of the governor with the advice and consent of the senate. A vacancy in the office of justice of the peace is filled by appointment of the governing body of the county. A justice, judge, or justice of the peace appointed to a vacancy serves until the next statewide general election.

"(d) Justices, judges, and justices of the peace are elected in the manner prescribed by law.

"Sec. 10. Removal and discipline of judges

"(a) The governor shall remove a justice of the supreme court on the address of two-thirds of the members of each house of the legislature for willful neglect of duty, incompetency, oppression in office, or other reasonable cause not a sufficient ground for impeachment.

"(b) The legislature by law (1) shall provide for a judicial qualifications commission and (2) may provide for the removal, suspension, or censure of justices of the supreme court, judges, and justices of the peace.

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"Sec. 11. District attorneys

"(a) In each district as defined by law, the qualified voters elect a district attorney for a four-year term.

"(b) Each county must be served by a district attorney. The district attorney shall represent the state in all criminal cases in courts below the level of court of appeals, except municipal courts or justice courts, but in counties in which there is a county attorney, the duties and functions of the district and county attorneys are as provided by law. The district attorney performs other duties and functions provided by law.

"(c) A district attorney must be licensed to practice law in this state. Other qualifications of district attorneys, the grounds and procedure for disqualification, suspension, and removal, and the filling of vacancies in office are as provided by law.

"Sec. 12. District clerks

"(a) The qualified voters of each county elect a district clerk for a four-year term. The legislature may provide by law for the election of a single clerk to perform the duties of both a county clerk and a district clerk.

"(b) The district clerk is the clerk of the district and circuit courts of the county and performs such duties as provided by law.

"(c) A clerk holding office under this section may be removed on a jury finding of incompetence, official misconduct, or other cause defined by law. A vacancy in the office is filled by appointment by the judges of the district and circuit courts of the county in the manner prescribed by law. A clerk appointed to a vacancy serves until the next statewide general election.

"Sec. 13. Juries

"(a) The grand jury is impaneled only in the district court and consists of 12 persons. Nine members of a grand jury constitute a quorum. At least nine members must concur in a bill of indictment.

"(b) A party has a right to a trial by jury on demand made in the manner prescribed by law. The legislature by law shall provide for trial juries.

"(c) A jury verdict must be unanimous except that in civil cases the legislature by law, or the supreme court by procedural rule promulgated under this article, may authorize a jury verdict to be rendered by not less than three-fourths of the jurors sitting in the case. Alternate jurors are not permitted unless authorized by law.

"Sec. 14. Appeal by state

"Subject to the guarantees of the Bill of Rights of this constitution, the state may appeal in a criminal case only (1) from a trial court ruling that a law is unconstitutional or (2) from a court of appeals decision to the supreme court, which appeal is at the discretion of the supreme court unless otherwise provided by law.

"Sec. 15. Appeal by accused

"(a) A person convicted of a criminal offense in a trial court has a right to an appeal to the court having jurisdiction.

"(b) An appeal to the supreme court in a criminal case is at the discretion of the supreme court unless otherwise provided by law.

"Sec. 16. Appeals from administrative action

"Notwithstanding any other provision of this constitution, the legislature may provide by law for the method of appeal to the courts from rulings, decisions, or other actions of state agencies or political subdivisions of the state.

PROPOSED CONSTITUTIONAL AMENDMENTS

"Sec. 17. Financing

"The state shall pay the basic compensation of justices and judges of the unified judicial system and district attorneys and shall pay such other expenses of the system as provided by law."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law.

"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

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"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following sections, as appropriately numbered, are added to the transition schedule:

"Sec. —. Judiciary transition on effective date

"On September 1, 1976:

"(a) Supreme Court; Court of Criminal Appeals. The chief justice of the supreme court becomes the Chief Justice of Texas. The presiding judge and the other judges of the court of criminal appeals and the associate justices of the supreme court become justices of the supreme court. Each commissioner of the court of criminal appeals becomes a commissioner of the supreme court.

"(b) Courts of Appeals Districts and Judges. The supreme judicial districts of the state become court of appeals districts and the courts of civil appeals become courts of appeals, except that supreme judicial districts which occupy the identical territory become a single court of appeals district and the courts of civil appeals which exercised jurisdiction within that territory become a single court of appeals. Chief justices and associate justices of courts of civil appeals become, respectively, chief judges and judges of courts of appeals, except that where a court of appeals would have two or more chief judges the Chief Justice of Texas shall designate from among them one to be the chief judge of that court.

"(c) District and Circuit Judges. (1) Until otherwise provided by law, each district judge or judge of a criminal district court, domestic relations court, special juvenile court, or specially designated probate court becomes a district court judge.

"(2) The offices of county court at law judge, county civil court at law judge, county criminal court judge, county criminal court at law judge, county criminal court of appeals judge, and judge of any other county court created by statute are continued until the legislature implements Section 5 of the 1976 revision of Article V; upon implementation, judges holding those offices in a county that is to be served by a circuit court become judges of the circuit court.

"(d) Criminal District Attorneys. Each criminal district attorney becomes a district attorney. Until otherwise provided by law, a criminal district attorney who becomes a district attorney under this section continues to perform the duties and functions prescribed by law applicable to the office of that criminal district attorney in effect on August 31,

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1975. Unless otherwise provided by law, Article 329 of the Revised Civil Statutes of Texas, 1925, does not apply to a county in which a criminal district attorney becomes a district attorney under this section.

"(e) Transfer of Proceedings and Records. All courts, except those authorized by the 1976 revision of Article V, are abolished, and all matters pending before them are transferred to the appropriate successor courts authorized by the 1976 revision of Article V. The courts into which the matters are transferred assume full jurisdiction of them and full authority to dispose of them and to execute or otherwise give effect to all orders, judgments, and decrees issued by their predecessor courts. Courts authorized by the 1976 revision of Article V succeed to all records and property of courts abolished by this subsection.

"(f) Transfers from Court of Criminal Appeals. All matters filed in or docketed by the court of criminal appeals but not heard by the court are transferred to the court of appeals in which the matters would have been docketed were they civil in nature and the court of appeals still a court of civil appeals.

"Sec. —. Stabilization of supreme court size

"Unless otherwise provided by law, the offices of the first five justices, except the chief justice, who cease to be members of the supreme court by reason of death, removal, resignation, or retirement after September 1, 1976, cease to exist. The death, removal, resignation, or retirement of an incumbent justice after having been defeated at a primary or general election does not terminate the office. The position of commissioner of the supreme court exists only as long as it is held by the individual in the office on September 1, 1976.

"Sec. —. County court; county judge

"Unless otherwise provided by general or local law, county courts created in Article V, Section 15, of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as the courts authorized in Section 6(a) of the 1976 revision of Article V, and the judges of those courts remain as county court judges and as presiding officers of the county commissioners courts. However, a judge of the county court who is licensed to practice law, by written notice to the governor filed with the secretary of state within 30 days after September 1, 1976, may elect instead to become a judge of the circuit court established pursuant to Section 5 of the 1976 revision of Article V if there is no circuit court judge provided for that district under the provisions of this transition schedule. If a judge of the county court becomes a circuit judge, the office of county judge becomes vacant and is filled by the county commissioners court until the next statewide general election. Should more than one judge of a county court within the same circuit court district file such written notice, the governor shall select the one to become judge of the circuit court. Section 6(a) of the 1976 revision of Article V does not mandate or require a change in the jurisdiction or judicial functions of a county judge.

"Sec. —. Municipal court judges and justices of the peace

"Unless otherwise provided by law, order, charter, or ordinance, municipal court judges and justices of the peace remain as they exist on August 31, 1976.

"Sec. —. Clerks

"All laws pertaining to the office of district clerk or county clerk which are in effect on August 31, 1976, and which are consistent with

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the provisions of the 1976 revision of Article V remain in effect until changed by law.

"Sec. —. Prosecutors

"All laws pertaining to the office of district attorney or county attorney which are in effect on August 31, 1976, remain in effect until changed by law. Section 11 of the 1976 revision of Article V does not mandate or require a redistricting of existing district attorney districts.

"Sec. —. Qualifications commission

"Members of the judicial qualifications commission continue in office and perform the duties of the commission established by Article V, Sections 1(a), (2-13) of the 1876 Constitution, as amended and as it existed on November 4, 1975, until a commission is established pursuant to Section 10(b) of the 1976 revision of Article V.

"Sec. —. Judicial districts

"Until otherwise provided by law, the judicial districts in existence on August 31, 1976, remain in effect, including any judicial districts then authorized by law but which take effect after August 31, 1976. Section 4 of the 1976 revision of Article V does not mandate or require judicial redistricting.

"Sec. —. Laws and rules continued

"Except to the extent inconsistent with the provisions of the 1976 revision of Article V, all laws and rules of court in force on August 31, 1976, continue in effect until superseded as authorized by law.

"Sec. —. Manner of appeal in criminal cases

"Until the legislature or supreme court makes provisions for the appeal of criminal cases from the courts of appeals, the rules and laws presently in force for appeals from courts of civil appeals also apply to the appeal of criminal cases.

"Sec. —. Judicial office transition

"No judicial office is abolished until the expiration of the term of the person who holds the office on August 31, 1976, or until that person ceases to hold the office, whichever occurs first.

"Sec. —. Initial judicial terms

"The initial justices, judges, and justices of the peace in the judicial branch established by the 1976 revision of Article V serve for the remainder of the terms for which elected and thereafter terms of office are as provided in the 1976 revision of Article V.

"Sec. —. Initial terms for certain prosecutors

"Individuals who become district attorneys pursuant to Section — of this transition schedule hold that office two years beyond the terms for which they were elected. Successor office holders are elected for the same terms and in the same manner as are other district attorneys.

"Sec. —. Member of Board of Pardons and Paroles

"The member of the Board of Pardons and Paroles who was appointed by the Presiding Judge of the Court of Criminal Appeals serves the full term to which appointed. A vacancy in that position is filled by the Attorney General of Texas with the advice and consent of two-thirds of the senate present.

"Sec. —. Other judiciary transition

"In the event a transfer or transition required by the revision of Article V has not been provided for by this transition schedule or by law, the supreme court shall provide by rule for the orderly transfer or transition."

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(c) The following changes are made in the constitution prior to promulgation and publication:

- (1) Article V is repealed;
- (2) Section 45 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, is repealed;
- (3) Section 11a of Article I of the constitution is amended to read as follows:

"Sec. 11a. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to a court of appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder."

- (4) Section 15 of Article I of the constitution is amended to read as follows:

"Sec. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the appropriate court without the necessity of a trial by jury."

- (5) Section 15-a of Article I of the constitution is amended to read as follows:

"Sec. 15-a. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of the court where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury."

- (6) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted:

- (A) Section 11A of Article IV of the constitution is repealed;
- (B) Section 11 of Article IV of the constitution is amended to read as follows:

"Sec. 11. There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms."

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One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the Attorney General; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

"In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, the Governor shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and the Governor shall have power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, the Governor may grant reprieves, commutations of punishment and pardons in cases of treason.

"The Legislature shall have power to regulate procedure before the Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws."

(C) If Proposition No. 7, General Provisions, also is not adopted,

(i) Article XVI, Section 30 of the constitution is amended to read as follows:

"Sec. 30. So long as the Railroad Commission, established by law, exists, it shall be composed of three Commissioners who shall be elected by the people at a general election for State officers, and their terms of office shall be six years; provided, Railroad Commissioners first elected after November 6, 1894, shall hold office as follows: One shall serve two years, and one four years, and one six years; their terms to be decided by lot immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office the Governor of the State shall fill said vacancy by appointment until the next general election."

(ii) the following is added as appropriately numbered to Section 4 of the transition schedule:

"(—) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or the Constitution of Texas is not to exceed two years."

(7) If Proposition No. 6, Local Government, is not adopted, the following changes are made in the constitution:

(A) The following section is added to Article IX of the constitution and is appropriately numbered:

"Sec. —. County government

"(a) The county commissioners court is the governing body of each county and exercises only such powers and jurisdiction over all county business as is conferred by this constitution or by law. It consists of the county judge, who is its presiding officer and is elected by the qualified voters of the county, and four county commissioners, who are elected by the qualified voters of individual commissioners precincts.

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"(b) The county commissioners court shall from time to time (1) determine the justice precincts and provide for an elected constable for each justice court and (2) divide the county into four separate and compact commissioners precincts, each containing as nearly as practicable an equal number of inhabitants.

"(c) A sheriff and a county clerk are elected by the qualified voters of each county. In those counties designated by law, a county attorney is elected by the qualified voters. Constables are elected by the qualified voters of the precincts they serve.

"(d) The qualifications, duties, and functions of the county officers authorized by this section are as provided by law except that (1) among other qualifications a county attorney must be licensed to practice law in this state and (2) among other duties and functions of a county clerk are those of county recorder and clerk of the county and commissioners courts.

"(e) The county officers authorized by this section are elected in the manner provided by law for four-year terms. Vacancies in county offices authorized by this section are filled until the next general election in the manner prescribed by law. Where the offices of county clerk and district clerk have been merged, the provisions for district clerk apply.

"(f) A county officer is removed from office after a district court trial and jury finding of incompetency, official misconduct, habitual drunkenness, or other causes defined by law. Where the offices of county clerk and district clerk have been merged, the provisions for district clerk apply."

(B) The following section is added to the transition schedule and is appropriately numbered:

"Sec. —. County attorneys

"Those counties in which the office of county attorney exists under Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, retain those offices under Subsection (c) of Section — of Article IX until otherwise provided by general or local law. The county attorneys have those duties as provided in Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, unless otherwise provided by general law."

(8) If neither Proposition No. 6, Local Government, nor Proposition No. 7, General Provisions, is adopted, Article XVI, Section 65 of the constitution is amended to read as follows:

"Sec. 65. Staggering Terms of Office—The following officers elected at the General Election in November, 1954, and thereafter, shall serve for the full terms provided in this Constitution:

"(a) County Clerks; (b) County Judges; (c) County Treasurers; (d) County Surveyors; (e) Inspectors of Hides and Animals; (f) County Commissioners for Precincts Two and Four.

"Notwithstanding other provisions of this Constitution, the following officers elected at the General Election in November, 1954, shall serve only for terms of two (2) years: (a) Sheriffs; (b) Assessors and Collectors of Taxes; (c) County Attorneys; (d) Public Weighers; (e) County Commissioners for Precincts One and Three; (f) Constables. At subsequent elections, such officers shall be elected for the full terms provided in this Constitution.

"In any district, county or precinct where any of the aforementioned offices is of such nature that two (2) or more persons hold such office, with the result that candidates file for 'Place No. 1,' 'Place No. 2,' etc., the

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officers elected at the General Election in November, 1954, shall serve for a term of two (2) years if the designation of their office is an uneven number, and for a term of four (4) years if the designation of their office is an even number. Thereafter, all such officers shall be elected for the terms provided in this Constitution.

"Provided, however, if any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled."

(9) Sections 6 and 8 of Article XV are repealed, and if Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, Article XV, Section 2 of the constitution is amended to read:

"Sec. 2. Impeachment of the Governor, Lieutenant Governor, Attorney General, Treasurer, Commissioner of the General Land Office, Comptroller and the Justices of the Supreme Court shall be tried by the Senate."

(10) If Proposition No. 7, General Provisions, is not adopted, the following changes are made in the constitution:

(A) Section 19 of Article XVI is repealed;

(B) Subdivision (2) of Subsection (b) of Section 67 of Article XVI is amended to read as follows:

"(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of the unified judicial system as may be included under the system by law."

(C) Subsection (d) of Section 67 of Article XVI is amended to read as follows:

"(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts is continued in effect. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system. Contributions required and benefits payable are to be as provided by law.

"(2) General administration of the Judicial Retirement System of Texas is by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law."

(11) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is adopted, the following changes are made in the 1976 revision of Article V:

(A) Section 5 of the 1976 revision of Article V is amended to read as follows:

"Sec. 5. Circuit courts

"The legislature by general or local law may provide for circuit courts, each with one or more judges, and from time to time shall determine the number and location of circuit courts. A circuit court may serve one or more counties, but no county may be served by more than one circuit court."

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(B) Section 6 of the 1976 revision of Article V is amended to read as follows:

"Sec. 6. Other courts

"(a) The county courts in existence on August 31, 1976, are continued unless otherwise provided by general or local law. The county courts have jurisdiction as provided by general law. The county judge is the presiding officer of the county court and has judicial functions as provided by general law.

"(b) The governing body of each county shall (1) divide the county from time to time into not fewer than four nor more than eight justice precincts and (2) establish and maintain one or more justice courts, each serving one or more precincts in the manner prescribed by general law.

"(c) Municipal courts may be established by general law or by charter as authorized by general law."

(12) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted:

(A) The following section is added to the transition schedule contained in Subsection (b) of this amendment as Section 8:

"Sec. 8. Special session for implementation

"The governor shall call the legislature in special session before July 1, 1976. The governor shall include among the subjects designated in the proclamation those matters that the governor determines require implementation because of the adoption of one or more amendments revising one or more articles of the constitution."

(B) This section and Section 6 of the transition schedule become effective January 1, 1976.

(d) The effective date of this amendment is September 1, 1976, except for Subdivision (12) of Subsection (c) of this section, which becomes effective January 1, 1976.

Sec. 3. That the following subsections of this section propose an amendment revising the voter qualification and election provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1976. This amendment is to be submitted as Proposition No. 3 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the voter qualification and election provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The voter qualification and election provisions of Article VI of the constitution are revised to read as follows:

"ARTICLE VI

"VOTER QUALIFICATIONS AND ELECTIONS

"Section 1. Qualifications for voting

"(a) A citizen of the United States who is at least 18 years old and who meets the registration and residence requirements provided by law is a qualified voter unless the person has been convicted of a felony and for that felony is incarcerated, on parole, or on probation or unless the person is mentally incompetent as determined by a court.

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"(b) The legislature may provide by law for additional limitations on voting by persons convicted of a felony.

"(c) The legislature by law may require property ownership as an additional qualification for voting (1) in an election held by a political subdivision for the purpose of authorizing property taxes or issuing bonds that are payable from property taxes or (2) in an election held by a special district or authority that principally engages in special or limited activities that have a disproportionate effect on property owners.

"Sec. 2. Elections

"(a) Voting by the people in all elections must be by secret ballot.

"(b) The legislature shall provide by law for residence, registration, and absentee voting requirements, for the administration of elections, and for the protection of the integrity of the electoral process.

"(c) The general election for state and county officers is to be held in even-numbered years on a date prescribed by law."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law.

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"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution.

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other non-substantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following section, as appropriately numbered, is added to the transition schedule:

"Sec. —. Disqualification from voting

"Unless provided otherwise by a law enacted after July 31, 1975, no person may be disqualified from voting because of conviction for a felony unless for the felony the person is incarcerated, on parole, or on probation."

(c) The following changes are made in the constitution prior to promulgation and publication:

(1) Article VI is repealed;

(2) If Proposition No. 7, General Provisions, is not adopted, Section 2 of Article XVI is amended to read as follows:

"Sec. 2. Laws shall be made to exclude from office those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes."

(d) The effective date of this amendment is September 1, 1976.

Sec. 4. That the following subsections of this section propose an amendment revising the education provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 4 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the education provisions

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of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The education provisions of Article VII of the constitution are revised to read as follows:

"ARTICLE VII

"EDUCATION

"Sec. 1. Equitable support of free public schools

"A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, the legislature has the duty to establish and provide by law for the equitable support and maintenance of an efficient system of free public schools below the college level. The system must furnish each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs exceeding the level provided by the state consistent with general law.

"Sec. 2. Permanent and Available School Funds

"(a) The Permanent School Fund consists of the property set apart, before or after this article takes effect, for the support of free public schools; the proceeds from sale and mineral development of the property; and the property purchased with the proceeds.

"(b) The Permanent School Fund is held in perpetual trust for the free public schools. The principal of the fund may not be spent. The land of the permanent fund may be sold, leased, or exchanged as provided by law. The State Board of Education shall direct the investment of all Permanent School Fund money in the manner prescribed by law.

"(c) The Available School Fund consists of the income from the Permanent School Fund and the state taxes dedicated to the Available School Fund.

"(d) The State Board of Education shall set aside from the Available School Fund an amount sufficient to provide the free textbooks, and other instructional materials authorized by law, that are required in educational programs in the free public schools. The remainder of the Available School Fund must be distributed among the counties according to their respective scholastic populations and must be spent for the support of free public schools in the manner prescribed by law.

"Sec. 3. County Public School Fund

"(a) The County Public School Fund of each county consists of the property transferred to the county for the support of free public schools in that county, the proceeds from sale and mineral development of the property, and the property purchased with the proceeds.

"(b) Title to the property is in the county and may not be divested by limitation. A county may sell, lease, or exchange the property and invest the proceeds in the manner prescribed by law. A county may annually spend the income from the fund for the support of its free public schools in the manner prescribed by law.

"(c) The governing body of a county may transfer in the manner prescribed by law all or part of the property in its County Public School Fund to the school districts of the county for use by them to reduce their bonded indebtedness or to make permanent improvements. State financial aid to a school district may not be reduced because of a transfer under this subsection.

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"Sec. 4. State Board of Education

"The legislature shall provide by law for a State Board of Education composed of elected members.

"Sec. 5. School and community junior college districts

"The legislature shall provide by general law for school districts and community junior college districts.

"Sec. 6. First class colleges and universities

"The legislature shall provide by law for a system of higher education of the first class.

"Sec. 7. Permanent and Available University Funds

"(a) The Permanent University Fund consists of the land set apart for The University of Texas by Article VII, Section 15, of the Constitution of 1876, as amended and as it existed on November 4, 1975, and the Legislative Act of April 10, 1883; the proceeds from sale and mineral development of the land; and the property purchased with the proceeds.

"(b) The Permanent University Fund is held in perpetual trust for the people of Texas and for the use and benefit of The Texas A&M University System and The University of Texas System. The principal of the fund may not be spent. The Board of Regents of The University of Texas System may sell, lease, exchange, or otherwise manage the assets of the fund in the manner prescribed by law and shall invest all proceeds.

"(c) The Board of Regents of The University of Texas System shall make full disclosure of all investments as provided by law. The board of regents shall invest the Permanent University Fund in accordance with generally accepted fiduciary standards but may invest only in stocks or bonds, debentures, or other obligations and may not:

"(1) invest in the stock of a corporation that is not incorporated in the United States;

"(2) invest in the stock of a corporation unless:

"(A) the corporation or its predecessors have paid dividends on common stock for at least five years preceding investment; and

"(B) the stock is either:

"(i) listed on an exchange registered with the Securities and Exchange Commission or its successor; or

"(ii) issued by a bank or insurance company with capital and surplus of not less than \$5 million and admitted assets of not less than \$50 million;

"(3) invest more than one percent of the fund in the securities of any one corporation;

"(4) permit the fund to own more than five percent of the voting stock of any one corporation; or

"(5) invest in the obligations of any state or its political subdivisions other than the State of Texas or its political subdivisions.

"(d) The Available University Fund consists of the income from the Permanent University Fund less administrative expense and less the net income from grazing leases of permanent-fund land. Out of one-third of the Available University Fund the legislature shall appropriate an annual sum sufficient to service Permanent University Fund bonds or notes issued by the governing board of The Texas A&M University System under authority of this article. The legislature shall appropriate the remainder of that one-third for the support and maintenance of Texas A&M University in the County of Brazos. Out of two-thirds of the Available University Fund the legislature shall appropriate an annual sum sufficient to service Permanent University Fund bonds or notes issued by the Board of Regents of The University of Texas System under authority of this ar-

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ticle. The legislature shall appropriate the remainder of that two-thirds and the net income from grazing leases of permanent-fund land for the support and maintenance of The University of Texas at Austin.

"Sec. 8. Permanent University Fund bonds and notes

"(a) The governing boards of The Texas A&M University System and The University of Texas System each may issue negotiable bonds or notes for the benefit of the institutions included in their respective systems on the date this article is adopted. The aggregate principal amount of bonds and notes issued for The Texas A&M University System may not exceed 10 percent, and for The University of Texas System may not exceed 20 percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance. The bonds or notes may be issued to acquire real property, construct permanent improvements, repair or rehabilitate existing permanent improvements, acquire library books or library materials, acquire capital equipment, or refund bonds.

"(b) Bonds and notes issued under this section are payable only out of the Available University Fund and must mature not more than 30 years from the date of issuance.

"(c) The governing boards of The Texas A&M University System and The University of Texas System each may pledge in whole or in part their respective interests in the Available University Fund to secure payment of bonds or notes issued under this section. No bonds or notes may be issued under this section without the prior approval of the attorney general. After approval the bonds and notes are incontestable.

"Sec. 9. Higher Education Fund for Texas and bonds and notes

"(a) There is hereby established the Higher Education Fund for Texas.

"(b) A state ad valorem tax is hereby levied on real property and tangible personal property of 10 cents on the \$100 assessed valuation for the Higher Education Fund for Texas. The rate of the tax may be changed by law, but not to exceed 10 cents on the \$100 assessed valuation. For purposes of this tax, the legislature shall establish by law an assessment ratio that must be applied uniformly throughout the state.

"(c) The legislature shall provide by law for an annual assessment of needs, according to which the fund is to be allocated among the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the state senior institutions not included in a system. The fund must be allocated under equitable formulas based on statewide higher education needs. If in any year the total allocations are less than the revenue generated by the tax levied in this section, the surplus revenue accumulates in the fund and is to be invested as provided by law. Income from the fund is allocated as provided in this subsection.

"(d) The fund, income from the fund, or proceeds from bonds or notes issued under this section may be used to acquire real property, construct permanent improvements, repair or rehabilitate existing permanent improvements, acquire library books or library materials, acquire capital equipment, or service debt incurred under this section.

"(e) The governing boards of the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the governing boards of the state senior institutions not included in a system may issue negotiable bonds or notes for the benefit of their systems or institutions based on allocations to their systems or institutions under Subsection (c) of this section. Bonds or notes issued under this subsection are secured by and payable only from the fund. Bonds or notes may be issued to refund bonds issued under this

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section. No bonds or notes may be issued under this section without the prior approval of the attorney general. After approval the bonds and notes are incontestable.

"(f) The legislature may provide by law for allocation of a portion of the fund to state-owned vocational and technical institutes that do not grant academic degrees."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law:

"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

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"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following subsection is added to Section 3 of the transition schedule and appropriately numbered:

"(—) Section 9 of Article VII on January 1, 1979."

(3) The following subsection is added to Section 4 of the transition schedule and appropriately numbered:

"(—) Article VII, Section 6b—insofar as it requires county permanent school funds to be distributed on a per scholastic basis."

(4) The following section is added to the transition schedule and appropriately numbered:

"Sec. —. State ad valorem tax

"(a) Until December 31, 1978, Article VII, Section 17 (except for the first paragraph) of the Constitution of 1876, as amended and as it existed on November 4, 1975, continues in effect as if part of the constitution.

"(b) The state ad valorem tax on property of two cents on the \$100 assessed valuation levied by the first paragraph of Article VII, Section 17 of the Constitution of 1876, as amended and as it existed on November 4, 1975, is hereby levied until December 31, 1978, unless an amendment revising the finance provisions of the constitution is adopted and a state ad valorem tax of two cents is levied in the constitution."

(c) The following changes are made in the constitution prior to promulgation and publication:

(1) Article VII of the constitution is repealed, except:

(A) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, Section 16 (as added in 1928) of Article VII is retained in revised Article VII, and is appropriately renumbered; and Section 4 of revised Article VII is changed to read:

"Sec. 4. State Board of Education

"The legislature shall provide by law for a State Board of Education composed of members elected for terms not to exceed six years."

(B) If Proposition No. 6, Local Government, is not adopted, the following is added to Article IX of the constitution and is appropriately numbered:

"Sec. —. School districts

"(a) A school district may not levy an ad valorem tax unless the tax has been approved by a majority of the qualified voters of the dis-

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trict who vote on the question. School districts, other than independent or common districts, may not levy an annual ad valorem tax in excess of \$1 on the \$100 of assessed valuation of taxable property in the district.

"(b) The power of an independent school district or junior college district to levy ad valorem taxes or issue bonds previously voted is not lost by a change in its boundaries. After a change in boundaries, the governing body of each affected district may levy the ad valorem tax or issue the bonds previously voted in the district without another election. If a change in boundaries results in an independent school district annexing or being consolidated with one or more other whole school districts, the new district may levy the ad valorem tax or issue the bonds previously voted in the district with the greatest scholastic population."

(C) If Proposition No. 5, Finance, is not adopted:

(i) Section 6a and Section 16 (as added in 1930) of Article VII are retained in revised Article VII and are appropriately renumbered;

(ii) the following is added as a new section to revised Article VII and is appropriately numbered:

"Sec. —. Occupation taxes

"One-fourth of the revenue from state occupation taxes is dedicated to the Available School Fund."

(iii) Section 1-e of Article VIII is revised to read as follows:

"Section 1-e. (a) From and after December 31, 1974, no state ad valorem tax may be levied for school purposes.

"(b) From and after December 31, 1978, no state ad valorem tax may be levied for state purposes, except for that authorized in Section 9 of Article VII of this constitution.

"(c) After December 31, 1976, the legislature may provide by law for the use of delinquent state ad valorem taxes.

"(d) Fees paid by the state for assessing and collecting state ad valorem taxes may not exceed two percent of the state taxes collected."

(2) Section 51-b of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, is repealed.

(3) If neither Proposition No. 7, General Provisions, nor Proposition No. 1, The Separation of Powers, Legislature, and Executive, is adopted:

(A) Article XVI, Section 30 of the constitution is amended to read as follows:

"Sec. 30. So long as the Railroad Commission, established by law, exists, it shall be composed of three Commissioners who shall be elected by the people at a general election for State officers, and their terms of office shall be six years; provided, Railroad Commissioners first elected after November 6, 1894, shall hold office as follows: One shall serve two years, and one four years, and one six years; their terms to be decided by lot immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office the Governor of the State shall fill said vacancy by appointment until the next general election."

(B) The following is added as appropriately numbered to Section 4 of the transition schedule:

"(—) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or the Constitution of Texas is not to exceed two years."

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(4) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted:

(A) The following section is added to the transition schedule contained in Subsection (b) of this amendment as Section 8:

"Sec. 8. Special session for implementation

"The governor shall call the legislature in special session before July 1, 1976. The governor shall include among the subjects designated in the proclamation those matters that the governor determines require implementation because of the adoption of one or more amendments revising one or more articles of the constitution."

(B) This section and Section 6 of the transition schedule become effective January 1, 1976.

(d) The effective date of this amendment is September 1, 1976, except for Subdivision (4) of Subsection (c) of this section, which becomes effective January 1, 1976.

Sec. 5. That the following subsections of this section propose an amendment revising the finance provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 5 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the finance provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The finance provisions of Article VIII of the constitution are revised to read as follows:

"ARTICLE VIII

"FINANCE

"Section 1. State taxation

"(a) State taxes may be levied and collected only by general law.

"(b) No state ad valorem tax on real property or tangible personal property may be levied for state purposes except (1) the tax of 10 cents on the \$100 assessed valuation levied under Article VII of this constitution and (2) a tax of two cents on the \$100 assessed valuation that is hereby levied to provide funds for the State Building Fund. This two-cent tax may be reduced by law.

"Sec. 2. Ad valorem taxation

"(a) Except as otherwise permitted in this article, all real property and tangible personal property must be taxed equally and uniformly in proportion to market value.

"(b) The legislature by general law shall provide for the establishment and enforcement of standards and procedures for appraisal of property for ad valorem tax purposes. These standards and procedures must be applied uniformly throughout the state. Except as limited by general law, a taxing authority levying a tax on property within a county may seek countywide enforcement of these standards and procedures.

"(c) Each county shall provide for appraisal of all taxable property within its boundaries in the manner prescribed by law. Each taxing authority imposing a tax on property within the county shall tax in pro-

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portion to, but not in excess of, this appraisal. The costs and expenses of appraisals are to be allocated among the taxing authorities in the manner prescribed by general law.

"(d) Ad valorem taxes delinquent less than 10 years may not be released.

"Sec. 3. Ad valorem tax exceptions

"(a) The legislature by general law shall establish separate formulas for appraising land to promote the preservation of open-space land devoted to farm or ranch purposes and by general law may establish separate formulas for appraising land to promote the preservation of forest land devoted to timber production. The legislature by general law may provide limitations and impose sanctions in furtherance of the appraisal policy of this subsection.

"(b) The legislature by general law may permit the rolling stock of railroads to be assessed for ad valorem tax purposes by the county in which the principal office of the railroad is located and require the comptroller of public accounts to apportion on the basis of track mileage the assessed value of the rolling stock among the counties through which the railroad runs.

"Sec. 4. Ad valorem tax exemptions

"(a) The following property is exempt from ad valorem taxation:

"(1) property of the state except as otherwise provided by law;

"(2) property of political subdivisions of the state used for public purposes;

"(3) household goods not used for the production of income;

"(4) personal effects not used for the production of income; and

"(5) farm products in the hands of the producer and family supplies for home and farm use.

"(b) Each residential homestead is exempt from state ad valorem taxation in the amount of \$3,000 of appraised value. The legislature by law may increase this amount.

"(c) The residential homestead of persons at least 65 years old is exempt from ad valorem taxation in the amount of \$3,000 of assessed value in each taxing political subdivision except that a person may elect in writing to be excluded from the exemption. A political subdivision may increase this amount within its jurisdiction. In a political subdivision that has pledged its ad valorem tax for the payment of debt, a residential homestead exemption does not become effective if the exemption would impair the obligation of the contract under which the tax was pledged.

"(d) Subject to such limitations, classifications, or exclusions as it may prescribe, the legislature by law may exempt from ad valorem taxation:

"(1) property used exclusively for educational or charitable purposes;

"(2) nonresidential property owned and used exclusively by organizations chartered by both the State of Texas and the United States and whose membership is composed solely of former members of the armed services of the United States;

"(3) places of burial not held for profit;

"(4) property owned by a disabled veteran of the armed services of the United States, by the surviving spouse or minor children of a disabled veteran of the armed services of the United States, or by the surviving spouse or minor children of a member of the armed services of the United States whose life was lost while on active duty;

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"(5) actual places of religious worship;

"(6) property owned by a church or a strictly religious society for exclusive use as a dwelling place for the ministry of the church or religious society if the property yields no revenue to the church or religious society, but the exemption may not extend to more property than is reasonably necessary for a dwelling place and in no event to more than one acre of land; or

"(7) property that is owned by a nonprofit water supply corporation whose board of directors is elected by the members it serves, that is not held for profit, and that is reasonably necessary for and is used in the acquisition, storage, transportation, or distribution of water or in providing sewage or waste water treatment service.

"Sec. 5. Ad valorem tax relief

"(a) The legislature by law may grant relief from residential ad valorem taxes payable by persons determined to be in need of relief because of economic circumstance and either age or disability. A law granting relief must provide either (1) that political subdivisions are reimbursed for revenue losses caused by the relief or (2) that relief applies to the ad valorem taxes of a political subdivision only if the political subdivision approves.

"(b) The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

"(1) granting relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; or

"(2) authorizing political subdivisions to grant relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law.

"Sec. 6. Ad valorem tax actions

"(a) Notwithstanding other remedies provided by law, an owner of property may pay under protest ad valorem taxes due on that property and sue for a refund in a district court.

"(b) In a suit for a refund of taxes, a court has the duty of entering those orders necessary to ensure equal treatment under the law for the complaining property owner, including refund of taxes and equalization of property appraisal and assessment.

"(c) Subject to limitations provided by law, the court has the additional duty of entering all other orders necessary to ensure equal treatment under the law for all property owners within the taxing authority, including refunds of taxes and equalization of property appraisals and assessments.

"Sec. 7. Allocations and uses of certain revenues

"(a) Each county receives from the net revenue derived annually from motor vehicle registration fees attributable to the county an amount prescribed by general law but that amount must be at least equal to all fees collected up to \$50,000 and 50 percent of the next \$250,000 of fees collected.

"(b) All net revenue from motor vehicle registration fees not retained by the counties and three-fourths of all net revenue derived from taxes on motor fuels and lubricants used to propel motor vehicles over public roadways, except gross production, petroleum products manufacturing, and ad valorem taxes, may be appropriated only for the following purposes:

"(1) acquiring rights-of-way for public roadways;

"(2) constructing or maintaining public roadways;

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"(3) administering laws pertaining to the supervision of traffic or safety on public roadways; or

"(4) policing public roadways.

"(c) One-fourth of all net revenue from the motor fuel tax and from state occupation taxes is dedicated to the Available School Fund.

"(d) No revenue from taxes on motor fuels and lubricants or from motor vehicle registration fees not retained by counties may be appropriated for payment of principal or interest on bonds or warrants issued by political subdivisions.

"Sec. 8. State debt

"(a) State debt may not be incurred except as authorized by this constitution.

"(b) 'State debt' means bonds or other evidences of indebtedness that are secured by the general credit of the state or are to be repaid from taxes, fees, tuition, or other charges of the state, a state senior college or university, or a state agency or institution having statewide jurisdiction. 'State debt' does not include bonds or other evidences of indebtedness issued to finance a project if the debt is authorized by law and is payable solely from revenues generated by the project to be financed.

"(c) State debt may be authorized by law if approved by a record affirmative two-thirds vote of the membership of each house of the legislature and submitted to and approved by a majority of the qualified voters of the state voting on the question.

"(d) State debt may be authorized by law to refund outstanding state debt.

"Sec. 9. Appropriations

"(a) No money may be drawn from the State Treasury except in accordance with specific appropriation made by law. No law may appropriate money from the State Treasury for a purpose not previously authorized by law.

"(b) No appropriation of money from the State Treasury may be made for a period longer than two years.

"(c) On the convening of the legislature in regular session, the comptroller of public accounts shall submit to the governor and the legislature a report that shows (1) the condition of the treasury at the end of the preceding fiscal period, (2) an estimate of the probable receipts and disbursements for the current fiscal year, (3) an itemized estimate of anticipated revenues for the next applicable fiscal period, and (4) other information required by law. On the convening of a special session of the legislature, the comptroller of public accounts shall submit a report showing changes from the regular report previously submitted. In the event of changes at other times, the comptroller of public accounts shall report the changes to the governor and to the members of the legislature.

"(d) No bill containing an appropriation may be considered as passed or be presented to the governor unless the comptroller of public accounts has certified that the amount appropriated is within the estimated revenue for the applicable fiscal year or unless the appropriation is made in response to imperative public necessity and approved by a record affirmative four-fifths vote of the membership of each house of the legislature.

"Sec. 10. Public funds

"Public funds and public credit may be used only for public purposes. No public funds or public credit may be used to influence the election of a public officer.

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"Sec. 11. Report of dedicated funds

"The legislature shall provide by law for an annual report of the receipts and expenditures of constitutionally dedicated funds.

"Sec. 12. Exemption from retail sales tax

"No retail sales tax may be imposed on (1) agricultural machinery or parts, fertilizer, feed or seeds, (2) prescription drugs or medicine, or (3) food for human consumption except food sold by restaurants or comparable establishments for immediate consumption.

"Sec. 13. Refundable marine food or agricultural assessments

"An assessment voted by marine food or agricultural producers on their product sales is not a tax if provision is made for the individual producer to receive a refund of the assessment when the producer does not desire to be assessed."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law:

"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as

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amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following subsections are added to Section 3 of the transition schedule and appropriately numbered:

"(—) Subsections (b) and (c) of Section 2 of Article VIII on January 1, 1978;

"(—) Subsection (c) of Section 6 of Article VIII on January 1, 1979."

(3) The following subsections are added to Section 4 of the transition schedule and appropriately numbered:

"(—) Article III, Section 52e (as added in 1967);

"(—) Article VIII, Section 1-d;

"(—) Article VIII, Section 1-e, Subsections (4) and (5)."

(4) The following sections are added to the transition schedule and appropriately numbered:

"Sec. —. Continuation of bond authority

"(a) Bonds or other evidences of indebtedness specifically authorized to be issued or executed by or on behalf of the state or an agency thereof under the following designated sections of the Constitution of 1876, as amended and as it existed on November 4, 1975, may be validly issued or executed subject to all applicable terms and conditions:

"(1) Article III, Section 49-b, Veterans' Land Program;

"(2) Article III, Section 49-c, Texas Water Development Board; Bond Issue; Texas Water Development Fund;

"(3) Article III, Section 49-d, Acquisition and Development of Water Storage Facilities; Filtration, Treatment, and Transportation of Water; Enlargement of Reservoirs;

"(4) Article III, Section 49-d-1, Additional Texas Water Development Bonds;

"(5) Article III, Section 49-e, Texas Park Development Fund;

"(6) Article III, Section 50b, Student Loans; and

"(7) Article III, Section 50b-1, Additional Student Loans.

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"(b) The bonds or other evidences of indebtedness may be issued or executed bearing any rate of interest within the limits permitted by the Constitution of 1876, as amended and as it existed on November 4, 1975. However, the legislature by law may authorize new limits if approved by a record affirmative two-thirds vote of the membership of each house of the legislature and submitted to and approved by a majority of the qualified voters voting on the question.

"(c) Until January 1, 1981, or an earlier date provided by law, bonds or other evidences of indebtedness payable solely from the general building use fees of senior colleges or universities and issued under the authority of Chapter 55 of the Education Code as it existed on July 31, 1974, are not included within the definition of 'state debt' contained in Section 8(b) of Article VIII.

"Sec. —. Constitutional powers omitted from implementing statutes

"(a) Any power directly granted to any of the following state agencies by the applicable designated section of the Constitution of 1876, as amended and as it existed on November 4, 1975, not also granted by statute continues in effect until the effective date of a statute either granting that power or otherwise expressly superseding the power hereby continued:

"(1) Veterans' Land Board—Section 49-b of Article III;

"(2) Texas Water Development Board—Sections 49-c, 49-d, and 49-d-1 of Article III;

"(3) Texas Water Quality Board or any successor agency—Section 49-d-1 of Article III;

"(4) The Parks and Wildlife Department or its successor—Section 49-e of Article III; and

"(5) Coordinating Board, Texas College and University System, or its successor or successors—Sections 50b and 50b-1 of Article III.

"(b) No statute may supersede a power the continuation of which is made necessary by Section 2 of this schedule.

"Sec. —. County and Road District Highway Fund

"Notwithstanding Section 7(d) of the 1976 revision of Article VIII, payments may be made to the County and Road District Highway Fund for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, as provided under Section 7-a of Article VIII of the Constitution of 1876, as amended and as it existed on November 4, 1975.

"Sec. —. Ad valorem tax exemptions

"(a) Ad valorem tax exemptions granted by the 1976 revision of Article VIII apply for the 1977 tax year. Ad valorem tax exemptions granted by the Constitution of 1876, as amended and as it existed on November 4, 1975, apply for the 1976 tax year.

"(b) If an exemption in excess of \$3,000 of the assessed value of the residential homestead of persons 65 years of age or older has been granted by a political subdivision under Article VIII, Section 1-b, Subsection (b) of the Constitution of 1876, as amended and as it existed on November 4, 1975, the amount of the exemption in excess of \$3,000 continues in effect for persons eligible under Section 4, Subsection (c) of the 1976 revision of Article VIII unless lowered in the manner permitted by the Constitution of 1876, as amended and as it existed on November 4, 1975.

"Sec. —. Confederate and Texas Ranger pensions

"Revenue from the two-cent tax levied by Section 1(b)(2) of the 1976 revision of Article VIII may be used for the additional purposes of paying

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Confederate and Texas Ranger pensions to those persons entitled to benefits under Article III, Section 51 and Article XVI, Section 66 of the Constitution of 1876, as amended and as it existed on November 4, 1975, until no persons are entitled to benefits under those provisions or until a trust fund is established by law to provide benefits for those persons."

(c) The following changes are made in the constitution prior to promulgation and publication:

(1) Article VIII of the constitution is repealed, except if Proposition No. 6, Local Government, is not adopted, Sections 14, 16, and 16a of Article VIII are retained in revised Article VIII and are appropriately renumbered; and Section 9 of Article VIII is retained as a section in revised Article VIII, as appropriately renumbered, and is amended to read as follows:

"Sec. —. (a) No county shall levy a tax rate in excess of Eighty Cents (\$.80) on the One Hundred Dollars (\$100) valuation in any one (1) year for general fund, permanent improvement fund, road and bridge fund and jury fund purposes; provided further that at the time the Commissioners Court meets to levy the annual tax rate for each county it shall levy whatever tax rate may be needed for the four (4) constitutional purposes; namely, general fund, permanent improvement fund, road and bridge fund and jury fund so long as the Court does not impair any outstanding bonds or other obligations and so long as the total of the foregoing tax levies does not exceed Eighty Cents (\$.80) on the One Hundred Dollars (\$100) valuation in any one (1) year. Once the Court has levied the annual tax rate, the same shall remain in force and effect during that taxable year; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed Fifteen Cents (\$.15) on the One Hundred Dollars (\$100) valuation of the property subject to taxation in such county. Any county may put all tax money collected by the county into one general fund, without regard to the purpose or source of each tax. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws. This Section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other Section or Sections of this Constitution.

"(b) A county may levy an annual ad valorem tax at a rate not to exceed Thirty Cents (\$.30) on the One Hundred Dollars (\$100) valuation for constructing and maintaining farm-to-market roads and for flood control. For purposes of this tax, Three Thousand Dollars (\$3,000) of the value of the residential homestead of married or unmarried adults, including those living alone, is exempt from taxation."

(2) Sections 3 and 9 of Article XI are repealed.

(3) Sections 44, 49, 49a, 49-b, 49-c, 49-d, 49-d-1, 49-e, 50, 50a, 50b, 50b-1, 51, 51-a, 51-b, 51-c, 51-d, 51g, 52 (subsection [a]), 52-b, 52e (as added in 1967), 53, 54, 55, 59, 60, and 61 (as added in 1952) of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, are repealed and the remaining sections of Article III are appropriately renumbered.

(4) Sections 6a and 16 (as added in 1930) of Article VII are repealed.

(5) Section 6 of Article XVI is repealed.

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(6) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, the following section is added to Article IV and is appropriately numbered:

"Sec. —. The veterans' land board consists of the commissioner of the general land office and two citizens of the state, one with knowledge of veterans' affairs and one with knowledge of finance. The citizen members are appointed by the governor with the advice and consent of the senate. One citizen member is appointed every two years for a four-year term. Citizen members serving on the date of adoption of this section complete the terms to which appointed. If a citizen member resigns or dies, the governor fills the vacancy by appointment for the remainder of the unexpired term. The compensation and amount of bond required of the citizen members is as prescribed by law. The commissioner of the general land office is chairman of the board and administers the veterans' land program under such terms and restrictions as prescribed by law. In the absence or illness of the commissioner, the chief clerk of the general land office acts as chairman."

(7) If Proposition No. 4, Education, is not adopted, Section 17 of Article VII of the constitution is amended to read as follows:

"Sec. 17. There is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Ten Cents (\$.10) on the One Hundred Dollars (\$100.00) valuation for the purpose of creating a special fund for the purpose of acquiring, constructing and initially equipping buildings or other permanent improvements at the designated institutions of higher learning provided that none of the proceeds of this tax shall be used for auxiliary enterprises; and the governing board of each such institution of higher learning is fully authorized to pledge all or any part of said funds allotted to such institution as hereinafter provided, to secure bonds or notes issued for the purpose of acquiring, constructing and initially equipping such buildings or other permanent improvements at said respective institutions. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, shall bear interest not to exceed four per cent (4%) per annum and shall mature serially or otherwise in not more than ten (10) years. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas. Said bonds shall be sold only through competitive bids and shall never be sold for less than their par value and accrued interest.

"The following state institutions then in existence shall be eligible to receive funds raised from said Ten Cent (\$.10) tax levy for the twelve-year period beginning January 1, 1966, and for the succeeding ten-year period:

- "Arlington State College at Arlington
- "Texas Technological College at Lubbock
- "North Texas State University at Denton
- "Lamar State College of Technology at Beaumont
- "Texas College of Arts and Industries at Kingsville
- "Texas Woman's University at Denton
- "Texas Southern University at Houston
- "Midwestern University at Wichita Falls
- "University of Houston at Houston

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"Pan American College at Edinburg
"East Texas State College at Commerce
"Sam Houston State Teachers College at Huntsville
"Southwest Texas State College at San Marcos
"West Texas State University at Canyon
"Stephen F. Austin State College at Nacogdoches
"Sul Ross State College at Alpine
"Angelo State College at San Angelo.

"Eighty-five per cent (85%) of such funds shall be allocated by the Comptroller of Public Accounts of the State of Texas on June 1, 1966, and fifteen per cent (15%) of such funds shall be allocated by said Comptroller on June 1, 1972, based on the following determinations:

"(1) Ninety per cent (90%) of the funds allocated on June 1, 1966, shall be allocated to state institutions based on projected enrollment increases published by the Coordinating Board, Texas College and University System for fall 1966 to fall 1978.

"(2) Ten per cent (10%) of the funds allocated on June 1, 1966, shall be allocated to certain of the eligible state institutions based on the number of additional square feet needed in educational and general facilities by such eligible state institution to meet the average square feet per full time equivalent student of all state senior institutions (currently numbering twenty-two).

"(3) All of the funds allocated on June 1, 1972, shall be allocated to certain of the eligible state institutions based on determinations used in the June 1, 1966, allocations except that the allocation of fifty per cent (50%) of the funds allocated on June 1, 1972, shall be based on projected enrollment increases for fall 1972 to fall 1978, and fifty per cent (50%) of such funds allocated on June 1, 1972, shall be based on the need for additional square feet of educational and general facilities.

"Not later than June first of the beginning year of each succeeding ten-year period the Comptroller of Public Accounts of the State of Texas shall reallocate eighty-five per cent (85%) of the funds to be derived from said Ten Cent (\$.10) ad valorem tax for said ten-year period and not later than June first of the sixth year of each succeeding ten-year period said Comptroller shall reallocate fifteen per cent (15%) of such funds to the eligible state institutions then in existence based on determinations for the said ten-year period that are similar to the determinations used in allocating funds during the twelve-year period beginning January 1, 1966, except that enrollment projections for succeeding ten-year periods will be from the fall semester of the first year to the fall semester of the tenth year. All such designated institutions of higher learning shall not thereafter receive any general revenue funds for the acquiring or constructing of buildings or other permanent improvements for which said Ten Cent (\$.10) ad valorem tax is herein provided, except in case of fire, flood, storm, or earthquake occurring at any such institution, in which case an appropriation in an amount sufficient to replace the uninsured loss so incurred may be made by the Legislature out of any General Revenue Funds. The State Comptroller of Public Accounts shall draw all necessary and proper warrants upon the State Treasury in order to carry out the purpose of this Amendment, and the State Treasurer shall pay warrants so issued out of the special fund hereby created for said purpose. This Amendment shall be self-enacting. It shall become operative or effective upon its adoption so as to supersede and repeal the former provisions of this Section; provided

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further, that nothing herein shall be construed as impairing the obligation incurred by any outstanding notes or bonds heretofore issued by any state institution of higher learning under this Section prior to the adoption of this Amendment but such notes or bonds shall be paid, both as to principal and interest, from the fund as allocated to any such institution."

(8) If neither Proposition No. 4, Education, nor Proposition No. 6, Local Government, is adopted, Section 3 of Article VII is amended to read as follows:

"Sec. 3. One-fourth of the revenue derived from the State occupation taxes and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free text books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and the Legislature may also provide for the formation of school district by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one (\$1.00) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law."

(9) If Proposition No. 4, Education, is adopted, Section 65 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, is repealed.

(10) If Proposition No. 7, General Provisions, is not adopted, the following is added as a new section to Article XVI and is appropriately numbered:

"Sec. —. No state fund established for purposes of water development, transmission, transfer, or filtration may be used to finance a project that contemplates or results in removing surface water from the river basin of origin if the surface water is necessary to supply the reasonably foreseeable water requirements of the basin for the ensuing 50 years. This subsection does not apply to a removal of water that is on a temporary, interim basis."

(11) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted: (A) the following section is added to

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the transition schedule contained in Subsection (b) of this amendment as Section 8:

"Sec. 8. Special session for implementation

"The governor shall call the legislature in special session before July 1, 1976. The governor shall include among the subjects designated in the proclamation those matters that the governor determines require implementation because of the adoption of one or more amendments revising one or more articles of the constitution."

(B) This section and Section 6 of the transition schedule become effective January 1, 1976.

(d) The effective date of this amendment is September 1, 1976, except for Subdivision (11) of Subsection (c) of this section, which becomes effective January 1, 1976.

Sec. 6. That the following subsections of this section propose an amendment revising the local government provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 6 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the local government provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The local government provisions of Article IX of the constitution are revised to read as follows:

"ARTICLE IX

"LOCAL GOVERNMENT

"Section 1. Counties.

"(a) The counties of the state are those that exist on the date of adoption of this article.

"(b) Under procedures prescribed by general law, (1) county boundaries may be changed if approved by a majority of the qualified voters in each affected county who vote on the question, and (2) counties may be merged or county seats relocated if approved by two-thirds of the qualified voters in each affected county who vote on the question.

"Sec. 2. Powers of county government

"Counties have only the powers of government granted by the constitution and general laws of this state.

"Sec. 3. County officers

"(a) The governing body of each county is the county commission, consisting of a county judge elected by the qualified voters of the county, and four county commissioners, each elected by the qualified voters of separate and compact precincts containing as nearly as practicable an equal number of inhabitants. The county judge is the presiding officer of the county commission.

"(b) The qualified voters of each county elect a sheriff, treasurer, tax assessor-collector, and county clerk. The qualified voters elect a county attorney in those counties designated by general or local law.

"(c) The county commission shall provide for the election of one or more constables.

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"(d) The qualifications, duties, and functions of county officers and the grounds and procedure for disqualification, suspension, and removal are as provided by general law except that (1) among other qualifications the county attorney must be licensed to practice law in this state and (2) among the duties and functions of the county clerk are those of county recorder and clerk of the county commission.

"(e) Under methods and procedures established by general law, the qualified voters of a county by a majority vote of those voting on the question may create additional offices, eliminate offices, or combine the duties and functions of offices. In the case of a county commission this power is limited to reducing or increasing the number of county commissioners. If the duties and functions of an office named in Subsections (b) and (c) of this section are combined with another office, the holder of the combined offices must be elected. The county commission shall designate the officer to perform the duties required by law to be performed by an officer whose office is eliminated.

"(f) Vacancies in county offices are filled as provided by general law.

"Sec. 4. County ordinances

"(a) Under procedures prescribed by general law, the qualified voters of a county, by a majority of those voting on the question, may grant to or withdraw from the county commission a general or limited power to enact ordinances. If this power is granted, the county commission may enact ordinances that are not inconsistent with the constitution or laws of this state. The legislature by general law may provide procedures by which the qualified voters of a county may repeal ordinances.

"(b) If a county ordinance conflicts with an ordinance of an incorporated city or town, the municipal ordinance prevails within its jurisdiction as defined by law.

"Sec. 5. General law cities

"Cities and towns having a population of 1,500 or less may be chartered only under general law.

"Sec. 6. City charters

"Cities and towns having more than 1,500 inhabitants, by a majority vote of the qualified voters voting on the question, may adopt, amend, or repeal their charters in the manner prescribed by law. No charter or ordinance may be inconsistent with the constitution or laws of this state. No tax may be levied unless authorized by law or charter. No city loses the power to amend or repeal its charter because its population drops below 1,500.

"Sec. 7. Special districts and authorities

"(a) The legislature may provide by general or local law for special districts or authorities.

"(b) Counties, cities, and towns may provide for special districts or authorities within their boundaries but only if authorized by general law. No local law may create a special district or authority wholly within a county, city, or town if a general law authorizes the county, city, or town to create a special district or authority for the same purpose.

"(c) Special districts or authorities may be created only for public purposes.

"(d) The provisions of this section are not applicable to school districts or community junior college districts.

"Sec. 8. Terms of office

"Constitutional county officers are elected for four-year terms. Other elected county officers and elected officers of other political subdivisions are elected for terms as provided by law or charter.

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"Sec. 9. Compensation of officers

"Elected officers of political subdivisions are not to be compensated on a fee basis.

"Sec. 10. Tax rates and debt limitations

"(a) The maximum annual tax rate established by law or charter for ad valorem taxes levied by a city or town for purposes other than debt service may not exceed \$2 on the \$100 of assessed valuation. The maximum annual tax rate established by law for ad valorem taxes levied by a county for purposes other than debt service may not exceed \$1.25 on the \$100 of assessed valuation.

"(b) No school district, community junior college district, or special district or authority may levy an annual ad valorem tax for purposes other than debt service unless a maximum annual tax rate, not exceeding the maximum rate permitted by law, has been approved by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

"(c) A political subdivision may levy an additional annual ad valorem tax at a rate not greater than necessary to provide an annual amount sufficient to service debt payable from ad valorem taxes.

"(d) The legislature shall establish by general law the maximum amount of interest-bearing obligations payable from ad valorem taxes that may be issued by cities, towns, counties, school districts, and community junior college districts.

"(e) No interest-bearing obligations payable from ad valorem taxes, other than refunding obligations, may be issued by school districts, community junior college districts, or special districts or authorities unless authorized by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

"(f) No interest-bearing obligations for mass transportation purposes and payable from ad valorem taxes may be issued by a political subdivision unless authorized by a majority of the qualified voters of the political subdivision who vote on the question.

"(g) The power of a political subdivision to levy taxes or issue interest-bearing obligations previously voted is not lost by any change in its boundaries. If boundaries are changed by annexation or by merger or consolidation of two or more political subdivisions of the same type, the surviving political subdivision may levy taxes at the highest rate previously voted by any of the affected political subdivisions and may issue interest-bearing obligations to the extent previously approved by each of the affected political subdivisions. The legislature shall provide by general or local law for the assumption of outstanding obligations of political subdivisions whose boundaries are changed.

"(h) No interest-bearing debt may be created by a political subdivision unless at the same time provision is made for paying the interest and principal when due.

"(i) Ad valorem taxes levied by school districts, community junior college districts, or special districts or authorities are not to be counted as part of the ad valorem tax limits imposed on counties, cities, and towns.

"Sec. 11. Intergovernmental cooperation

"The legislature shall prescribe by law the manner in which a political subdivision, by act of its governing body, may cooperate or contract with other political subdivisions, the state, or the United States for the performance of functions required or authorized by the constitution or laws of this state.

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"Sec. 12. Consolidation of offices and transfer of functions

"Political subdivisions may be authorized only by general law to consolidate offices, transfer functions of government, or cancel a consolidation or transfer. A law may not authorize a consolidation or transfer among political subdivisions of more than one geographical county. No consolidation or transfer may take effect unless it is approved by a majority of the qualified voters in each affected political subdivision who vote on the question except that the legislature by general law may provide for the consolidation of the function of collection of taxes in a county."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law.

"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

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"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other non-substantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following subsections are to be added to Section 4 of the transition schedule and appropriately numbered:

"(—) Article V, Section 18—insofar as it requires the county commission to divide the county into commissioners precincts;

"(—) Article VIII, Section 9—insofar as it authorizes each county to put all tax money collected by the county into one general fund without regard to the purpose or source of each tax;

"(—) Article XI, Section 11;

"(—) Article XVI, Section 59, Subsections (d) and (e);

"(—) Article XVI, Section 61;

"(—) Article XVI, Section 64;

"(—) Article XVI, Section 65."

(3) The following sections are added to the transition schedule and appropriately numbered:

"Sec. —. Sheriff, assessor-collector of taxes

"In those counties in which the offices of sheriff and assessor-collector of taxes are combined on August 31, 1976, the offices remain combined as if they had been combined in conformity with Article IX, Section 3(e) of the 1976 revision of Article IX.

"Sec. —. County attorneys

"Those counties in which the office of county attorney exists, under Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, retain those offices under Subsection (b) of Section 3 of Article IX until otherwise provided by general or local law. The county attorneys have those duties as provided in Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, unless otherwise provided by general law.

"Sec. —. Local government debt limits

"Until the legislature by general law establishes a maximum amount of interest-bearing obligations payable from ad valorem taxes that may be issued by a class of political subdivisions under Section 10, Subsection (d) of the 1976 revision of Article IX, a political subdivision of that class may issue interest-bearing obligations payable from ad valorem

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taxes only to the extent that the total amount of outstanding interest-bearing obligations payable from ad valorem taxes does not exceed the following applicable percentage of the then current assessed valuation of taxable property within the political subdivision:

"(1) a city or town—12 percent;

"(2) a county—8 percent for purposes other than those described in Article III, Section 52, Subsection (c) of the Constitution of 1876, as amended and as it existed on November 4, 1975, for which the limit is 25 percent of the assessed value of real property for obligations approved by a majority of the qualified electors voting on the issue;

"(3) a school district—10 percent; or

"(4) a community junior college district—10 percent."

(c) The following changes are made in the constitution prior to promulgation and publication:

(1) Article IX and Article XI of the constitution are repealed, except, if Proposition No. 5, Finance, is not adopted, Sections 3 and 9 of Article XI are added to revised Article IX and are appropriately renumbered;

(2) Sections 48-d, 52 (Subsections [b] and [c]), 52d, 52e (as added in 1968), 63, and 64 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, are repealed;

(3) Section 23 of Article V is repealed;

(4) If Proposition No. 4, Education, is not adopted, Section 3-b of Article VII is repealed and Section 3 of Article VII is revised to read as follows:

"Sec. 3. Occupation taxes

"One-fourth of the revenue from state occupation taxes is dedicated to the Available School Fund. The State Board of Education shall set aside from the Available School Fund an amount sufficient to provide free textbooks for the use of children attending the public free schools."

(5) Sections 1-a, 9, 14, 16, and 16a of Article VIII are repealed;

(6) Articles following Article XI are appropriately renumbered;

(7) Sections 8, 30b, 44, 59, 61, 64, and 65 of Article XVI are repealed except that if Proposition No. 7, General Provisions, is not adopted, Subsection (a) of Section 59 of Article XVI is not repealed.

(8) If neither Proposition No. 7, General Provisions, nor Proposition No. 1, The Separation of Powers, Legislature, and Executive, is adopted:

(A) Article XVI, Section 30 of the constitution is amended to read as follows:

"Sec. 30. So long as the Railroad Commission, established by law, exists, it shall be composed of three Commissioners who shall be elected by the people at a general election for State officers, and their terms of office shall be six years; provided, Railroad Commissioners first elected after November 6, 1894, shall hold office as follows: One shall serve two years, and one four years, and one six years; their terms to be decided by lot immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office the Governor of the State shall fill said vacancy by appointment until the next general election."

(B) The following is added as appropriately numbered to Section 4 of the transition schedule:

"(—) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or the Constitution of Texas is not to exceed two years."

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(9) If Proposition No. 2, The Judiciary, is not adopted:

(A) Section 18 of Article V is amended to read as follows:

"Sec. 18. Each county in the State is to be divided from time to time, for the convenience of the people, into not less than four nor more than eight precincts. Division is to be made by the county commission provided in this Constitution. In each precinct there is to be elected one Justice of the Peace, who holds office for four years and until a successor is elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, two Justices of the Peace are to be elected."

(B) Section 20 of Article V is amended to read as follows:

"Section 20. In counties having a population of less than 8,000 persons there may be an election of a single clerk, who shall perform the duties of District and County Clerk."

(C) Section 21 of Article V is amended to read as follows:

"Sec. 21. The District Attorneys shall represent the State in all cases in the District and inferior courts in their respective districts; but in counties in which there is a County Attorney, the respective duties of the District Attorneys and County Attorneys shall be regulated by law. The Legislature may provide for the election of District Attorneys in the districts, as deemed necessary, and make provision for the compensation of District Attorneys. District Attorneys hold office for four years, and until their successors have qualified."

(D) Section 24 of Article V is amended to read as follows:

"Sec. 24. Clerks of the District Courts and justices of the peace may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and finding of its truth by a jury."

(10) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, the following is added, as appropriately numbered, to revised Article IX:

"Sec. —. Local road laws

"The legislature may pass local laws for the maintenance of the public roads and highways without the local notice required of local laws."

(11) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted: (A) the following section is added to the transition schedule contained in Subsection (b) of this amendment as Section 8:

"Sec. 8. Special session for implementation

"The governor shall call the legislature in special session before July 1, 1976. The governor shall include among the subjects designated in the proclamation those matters that the governor determines require implementation because of the adoption of one or more amendments revising one or more articles of the constitution."

(B) This section and Section 6 of the transition schedule become effective January 1, 1976.

(d) The effective date of this amendment is September 1, 1976, except for Subdivision (11) of Subsection (c) of this section, which becomes effective January 1, 1976.

Sec. 7. That the following subsections of this section propose an amendment revising the general provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This

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amendment is to be submitted as Proposition No. 7 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the general provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The general provisions of Article X of the constitution are revised to read as follows:

"ARTICLE X

"GENERAL PROVISIONS

"Section 1. Official oath

"State and local officers shall take the following oath before entering on the duties of public office:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the securing of this office, so help me God."

"Sec. 2. Residence of civil officers

"Public officers shall reside within the state. Officers of a political subdivision or district shall reside and shall keep their offices at the locations prescribed by law. An office becomes vacant if the officer does not comply with this section.

"Sec. 3. Forfeiture of residence by absence on public business

"A person's absence from the state, a political subdivision, or a district on business of the United States, this state, or the political subdivision or district does not forfeit a residence for purposes of suffrage or of election or appointment to public office.

"Sec. 4. Continuation in office

"An officer of this state continues to perform the duties of office until a successor has assumed office, but an officer appointed by the governor to a statutory state agency may not perform those duties beyond December 31 of the year in which the term expires.

"Sec. 5. Vacancies filled for unexpired term

"A person elected to fill a vacancy in office serves for the remainder of the term.

"Sec. 6. Disqualification, suspension, and removal from constitutional office

"The legislature by law may provide grounds and procedures for the disqualification, suspension, or removal of those constitutional officers whose removal is not provided for elsewhere in this constitution and for the temporary filling of vacancies.

"Sec. 7. Protection of the environment

"The quality of the environment of the State of Texas is to be protected. The legislature by law shall implement and enforce this policy.

"Sec. 8. Conservation and development of natural resources

"(a) It is the policy of this state to promote the conservation and development of the natural resources in the state. The legislature by law

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shall implement and enforce this policy. In furtherance of this policy the legislature shall provide by law for (1) the control, storage, preservation, and distribution for useful purposes of storm, flood, river, and stream waters; (2) the reclamation, irrigation, and drainage of land; (3) the abatement of subsidence; (4) the conservation of the atmosphere; (5) the collection and disposal or recycling of wastes; (6) the conservation and development of the energy resources and forests; and (7) the navigability of the waters.

"(b) No state fund established for purposes of water development, transmission, transfer, or filtration may be used to finance a project that contemplates or results in removing surface water from the river basin of origin if the surface water is necessary to supply the reasonably foreseeable water requirements of the basin for the ensuing 50 years. This subsection does not apply to a removal of water (1) that is sufficiently replaced to the point of removal from outside the state or (2) that is on a temporary, interim basis.

"Sec. 9. Coastal natural resources

"(a) In order to preserve the coastal natural resources of the state, the state holds in perpetual trust for the use and benefit of the people of this state the beaches and those coastal submerged lands belonging to the state and may not by sale transfer a fee simple absolute title in these lands.

"(b) Subject to such reasonable limitations as prescribed by law, the public, individually and collectively, has the free and unrestricted right of use and benefit of the beaches. The state and its political subdivisions shall provide reasonable access avenues to the beaches and coastal public waters. An illegal entry on private property to gain access to a beach is not permitted by virtue of this section.

"(c) In this section 'beach' means the land on the seaward shore of the open Gulf of Mexico, whether island or mainland, that extends inland from the line of mean low tide to the natural line of vegetation or the larger contiguous area to which the public has (1) acquired a right of use by dedication, prescription, or estoppel or (2) retained a continuous right of use recognized by law or custom since time immemorial.

"Sec. 10. Protection of wildlife resources

"The legislature may enact local laws to regulate the taking of wildlife resources.

"Sec. 11. Separate and community property of spouses

"(a) The property owned or claimed by a spouse before marriage and that acquired by a spouse during marriage by gift, devise, or descent is the separate property of the spouse. The legislature by law may prescribe more precise rules within the principles of this definition and may more clearly define the rights of each spouse in relation to separate and community property.

"(b) The definition in Subsection (a) of this section does not limit the power of spouses to enter into written contracts or other written transactions between themselves that affect their property rights. Spouses may enter into written contracts or other written transactions (1) that change their community property into separate property if the change does not prejudice the rights of preexisting creditors or (2) that create between themselves a right of survivorship in community property. The form, manner of execution, and recordation requirements of the written contracts or other written transaction are as prescribed by law.

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"Sec. 12. Homestead

"(a) The homestead is the home of a family or single adult. The place used for conducting the occupation of the claimant of an urban homestead may also be a homestead.

"(b) The rural homestead consists of not more than 200 acres of land in one or more parcels, with improvements, located outside a city, town, or village. Not more than 50 acres on which the home is located is a residential homestead; the rest is a nonresidential homestead. A rural homestead may not be changed to an urban homestead without the claimant's consent so long as the land is used for agricultural purposes.

"(c) The urban homestead consists of land, with improvements, located in a city, town, or village; but the value of the land, without improvements, at the time of establishment as homestead may not exceed \$10,000, or a larger sum if prescribed by law. The urban homestead is a residential homestead if used as a home and a nonresidential homestead if used as a place for conducting the occupation of the claimant.

"(d) The homestead is not subject to forced sale for the payment of debt except for (1) purchase money for the homestead, (2) taxes due on the homestead, and (3) the value of improvements made on the homestead under a written contract (A) to which the claimant consents or (B) in the case of a homestead of spouses, to which both spouses consent in the manner prescribed by law for the conveyance of a homestead. A pretended sale of a homestead involving a defeasance or a condition nullifying the sale is void.

"(e) A mortgage, trust deed, or other lien on a residential homestead is void except for (1) the purchase money for the homestead or (2) the value of improvements as provided in Subsection (d) of this section. A lien on a nonresidential homestead may be created but only in the manner prescribed by law for the conveyance of a homestead.

"(f) Except as otherwise provided by law, a homestead of spouses may not be sold or abandoned without the consent of both spouses. A temporary renting of a homestead does not change its character if no other homestead is acquired.

"(g) A homestead of spouses descends and vests like other real property but may not be partitioned so long as the homestead is used or occupied as a home by either a surviving spouse or minor child if that use has been granted the child by a proper court.

"Sec. 13. Protection of personal property from forced sale

"The legislature shall provide by law for the protection from forced sale of certain personal property belonging to each adult and each head of family.

"Sec. 14. Protection of wages from garnishment

"Current wages for personal service are not subject to garnishment.

"Sec. 15. Private corporations

"A private corporation may not be chartered except under general law.

"Sec. 16. Banking

"(a) No bank may engage in business at more than one place in this state. A bank shall designate in its charter the place at which it will engage in business.

"(b) The legislature by law shall provide for the regulation of bank holding companies.

"(c) No foreign corporation except a bank chartered by the United States and domiciled in Texas may exercise banking or discounting privileges in this state.

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"Sec. 17. Alcoholic beverages

"(a) The legislature by law shall provide for the regulation of the manufacture, packaging, sale, possession, and transportation of alcoholic beverages and mixed alcoholic beverages.

"(b) This regulation must preserve the right of local option by counties, justice precincts, or incorporated cities or towns but may not provide for local option by other political subdivisions. Local option is a determination of whether to legalize or prohibit the sale of these beverages and a determination of the various types and various alcoholic contents of these beverages that may be sold.

"(c) A local-option determination by a county, justice precinct, or incorporated city or town may be made only by a majority of the qualified voters who vote on the question at an election in that political subdivision.

"(d) The local-option status of a county, justice precinct, or incorporated city or town on the effective date of this article, may be changed only by a majority of the qualified voters who vote on the question at an election in that political subdivision.

"Sec. 18. Practitioners of medicine

"The legislature shall pass laws to prescribe the qualifications of practitioners of medicine and to punish persons for malpractice. No preference may be given by law to any schools of medicine.

"Sec. 19. Lotteries and gift enterprises

"The legislature by law shall prohibit lotteries and gift enterprises except that the legislature by law may authorize bingo or raffles conducted for the benefit of a nonprofit charitable organization if (1) all proceeds are spent in this state for the purposes of the organization and (2) the games are limited to one location as defined by law.

"Sec. 20. Liens of mechanics, artisans, and materialmen

"Mechanics, artisans, and materialmen have a lien on the buildings or articles made or repaired by them. The lien is for the value of labor or material furnished. The legislature by law shall provide for the efficient enforcement of the lien.

"Sec. 21. Retirement benefits for public employees

"(a) General Provisions. (1) The legislature may enact general laws establishing systems and programs of retirement and related disability and death benefits for public employees and officers. Financing of benefits must be based on sound actuarial principles. The assets of a system are held in trust for the benefit of members and may not be diverted.

"(2) A person may not receive benefits from more than one system for the same service, but the legislature may provide by law that a person with service covered by more than one system or program is entitled to a fractional benefit from each system or program based on service rendered under each system or program calculated as to amount upon the benefit formula used in that system or program. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas may also be authorized by law.

"(3) Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments. In making investments, a board shall exercise the judgment and care under the circumstances then prevailing that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable

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safety of their capital. The legislature by law may further restrict the investment discretion of a board.

"(4) General laws establishing retirement systems and optional retirement programs for public employees and officers in effect on the date of adoption of this article, remain in effect, subject to the general powers of the legislature established in this subsection.

"(b) State Retirement Systems. (1) The legislature shall establish by law a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state. Other employees may be included under the system by law.

"(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of the unified judicial system as may be included under the system by law.

"(3) The legislature shall establish by law the amount to be contributed by persons participating in the Employees Retirement System of Texas and the Teacher Retirement System of Texas. The amount contributed by the state must be at least six percent of the aggregate compensation paid to individuals participating in the system. The legislature may appropriate such additional sums as are actuarially determined to be required to fund benefits authorized by law.

"(c) Local Retirement Systems. (1) The legislature shall provide by law for:

"(A) the creation by any city or county of a system of benefits for its officers and employees;

"(B) a statewide system of benefits for the officers and employees of counties or other political subdivisions of the state in which counties or other political subdivisions may voluntarily participate; and

"(C) a statewide system of benefits for officers and employees of cities in which cities may voluntarily participate.

"(2) Benefits under these systems must be reasonably related to participant tenure and contributions.

"(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts is continued in effect. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system. Contributions required and benefits payable are to be as provided by law.

"(2) General administration of the Judicial Retirement System of Texas is by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

"Sec. 22. Regulation of interest and lending

"(a) Except as otherwise provided by law, a contract providing for a rate of interest in excess of 10 percent a year is usurious. If a contract does not specify a rate of interest, the rate under the contract may not exceed six percent a year.

"(b) The legislature may not delegate the power to classify loans or lenders, define interest, or fix maximum interest rates.

"Sec. 23. Equal treatment of the handicapped

"A person may not be denied a right, benefit, or opportunity because of a physical or mental handicap as defined by law except (1) as otherwise

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provided in this constitution, (2) as prescribed by law in the regulation of commerce, or (3) to the extent a handicap prevents work performance in employment. This guarantee is self-operative.

"Sec. 24. Access to health care

"A goal of this state is to provide every resident access to adequate, comprehensive health care as may be provided by law."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law.

"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

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"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following transition provisions are added, as appropriately numbered, to Section 4 of the transition schedule:

"(—) Article XVI, Section 11—insofar as it authorizes trial de novo for those whose permits have been denied or cancelled by a regulatory agency;

"(—) Article XVI, Sections 12, 33, and 40;

"(—) Article XVI, Section 14;

"(—) Article XVI, Section 26;

"(—) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or this constitution are not to exceed two years;

"(—) Article XVI, Section 41;

"(—) Article XVI, Section 59, Subsections (d) and (e);

"(—) Article XVI, Section 61;

"(—) Article XVI, Section 64;

"(—) Article XVI, Section 65."

(c) The following changes are made in the constitution prior to promulgation and publication:

(1) Sections 20, 47, and 62 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, are repealed;

(2) Section 25 of Article IV of the Constitution of 1876, as amended and as it existed on November 4, 1975, is repealed;

(3) Articles X, XII, and XIII are repealed;

(4) Article XIV is repealed, except if Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, Section 1 of Article XIV is added to Article IV of the constitution and is appropriately renumbered.

(5) Article XV is repealed except:

(A) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, Sections 1, 2, 3, 4, and 5 of Article XV are added to Article III of the constitution and are appropriately renumbered.

(B) If Proposition No. 2, The Judiciary, is not adopted, Sections 6 and 8 of Article XV are added to Article V of the constitution and are appropriately renumbered.

(6) Article XVI is repealed except:

(A) If Proposition No. 5, Finance, is not adopted, Section 6 of Article XVI is added to Article VIII of the constitution and is appropriately renumbered.

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(B) If Proposition No. 6, Local Government, is not adopted, Section 44 and Section 59 (Subsections [b] and [c]) of Article XVI are added to Article IX of the constitution and are appropriately renumbered.

(C) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted, Section 30a of Article XVI is added to Article IV of the constitution and is appropriately renumbered; and the following is added as a new section to Article IV of the constitution and is appropriately numbered:

"Sec. —. So long as the Railroad Commission, established by law, exists, it shall be composed of three commissioners who shall be elected by the people at a general election for state officers, and their terms of office shall be six years; provided, Railroad Commissioners first elected after November 6, 1894, shall hold office as follows: one shall serve two years, and one four years, and one six years; their terms to be decided by lot immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office the governor of the state shall fill said vacancy by appointment until the next general election."

(7) Section 2 of Article XVII is repealed, and Article XVII is appropriately renumbered as the last article of the constitution.

(8) If Proposition No. 2, The Judiciary, is not adopted:

(A) Subsection (d) of Section 21 of revised Article X is changed to read as follows:

"(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore established in the constitution or by law for justices, judges, and commissioners of the appellate courts is continued in effect. Contributions required and benefits payable are to be as provided by law.

"(2) General administration of the Judicial Retirement System of Texas is by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law."

(B) Subdivision (2) of Subsection (b) of Section 21 of revised Article X is changed to read as follows:

"(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of appellate courts and judicial districts as may be included under the system by law."

(9) If Proposition No. 1, The Separation of Powers, Legislature, and Executive, is not adopted: (A) the following section is added to the transition schedule contained in Subsection (b) of this amendment as Section 8:

"Sec. 8. Special session for implementation

"The governor shall call the legislature in special session before July 1, 1976. The governor shall include among the subjects designated in the proclamation those matters that the governor determines require implementation because of the adoption of one or more amendments revising one or more articles of the constitution."

(B) This section and Section 6 of the transition schedule become effective January 1, 1976.

(d) The effective date of this amendment is September 1, 1976, except for Subdivision (9) of Subsection (c) of this section, which becomes effective January 1, 1976.

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Sec. 8. That the following subsections of this section propose an amendment revising the mode of amending provisions of the Texas Constitution. This amendment is to be submitted to the qualified electors at an election held on the first Tuesday after the first Monday in November, 1975. This amendment is to be submitted as Proposition No. 8 on the ballot if that designation is permitted by law; otherwise, this amendment is to be numbered by the secretary of state after drawing by lot, and the secretary of state shall number the propositions in this resolution accordingly. The ballot at the election must provide for voting for or against the proposition: "The constitutional amendment revising the mode of amending provisions of the Texas Constitution." If a majority of the votes cast on the proposed amendment are cast in favor of the amendment:

(a) The mode of amending provisions of Article XVII of the constitution are revised to read as follows:

"ARTICLE XVII

"MODE OF AMENDING

"THE CONSTITUTION OF THE STATE

"Section 1. Amendments to the constitution

"(a) The legislature may propose amendments to this constitution by a record affirmative two-thirds vote of the membership of each house. The legislature shall limit a proposed amendment to the revision of all or part of one article except that the amendment may revise parts of other articles that are germane to the revision of the principal article.

"(b) A proposed amendment must be submitted to the people at the next statewide general election or at a special election held on a date specified by the legislature. In no event is an election on a proposed amendment to take place less than 90 days after the legislature proposes the amendment.

"(c) Proposed amendments must be publicized in the English language and any other language prescribed by law. The legislature shall prescribe by law the procedure for publicizing proposed amendments.

"(d) A proposed amendment is adopted if approved by a majority of the qualified voters voting on the question and becomes a part of this constitution on the date that the statewide returns of the election are canvassed.

"Sec. 2. Constitutional convention

"(a) The legislature by a record affirmative two-thirds vote of the membership of each house may submit to the people the question of whether to call a constitutional convention and may stipulate in the question the articles of the constitution that the convention may consider. The question must be submitted at the first statewide general election occurring at least six months after the legislature approves the submission. A constitutional convention must be called if approved by a majority of the qualified voters voting on the question.

"(b) The question of whether to call a constitutional convention must be submitted to the people at least once every 30 years.

"(c) At the next legislative session following approval of a call, the legislature shall provide by law for the election of delegates and the filling of vacancies; for the convening of the convention on a date no later than three months after the election of delegates; for the meet-

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ing place and duration of the convention; for the pay, allowances, and expenses of delegates and officers; and for the other expenses of the convention.

"(d) No public officer is prohibited from serving as a delegate by virtue of any provision in this constitution.

"(e) The constitutional convention by a record affirmative two-thirds vote of its membership, in the case of an unlimited call, may propose any revision of or amendments to the constitution or, in the case of a limited call, may propose any revision of or amendments to the articles stipulated in the call. The convention shall determine the manner of submitting and publicizing its proposals and fix the date of the election. Convention proposals must be publicized in the English language and in any other language specified by the convention.

"(f) A revision or amendment proposed by the constitutional convention becomes effective, as the convention provides, if approved by a majority of the qualified voters voting on the question."

(b) In accordance with the following instructions, a transition schedule is added to the constitution prior to promulgation and publication of the constitution. If more than one constitutional amendment is adopted on November 4, 1975, the secretary of state, after the review and approval of the attorney general, shall eliminate duplicative transition provisions prior to promulgation and publication.

(1) The following transition schedule is added to the constitution after the last article of the constitution:

"TRANSITION SCHEDULE

"The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

"Section 1. Existing laws, rights, and proceedings

"All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

"Sec. 2. Validity of issued bonds

"Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

"Sec. 3. Delayed effective date

"Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law.

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"Sec. 4. Provisions of the Constitution of 1876

"Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

"Sec. 5. Terms of office

"Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

"Sec. 6. Anticipatory legislation

"Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

"Sec. 7. Powers of the secretary of state under amendments adopted November 4, 1975

"Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975."

(2) The following transition provision is added, as appropriately numbered, to Section 4 of the transition schedule:

"(—) Article XVII, Section 1—insofar as it provides a procedure for publicizing amendments to the constitution."

(c) Article XVII as revised by this amendment is renumbered as appropriate according to the propositions adopted to place the article as the last article of the constitution.

(d) The effective date of this amendment is September 1, 1976.

Adopted by the senate on April 1, 1975: Yeas 23, Nays 7; April 16, 1975, senate concurred in house amendments: Yeas 25, Nays 5; that Section 2 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 22, Nays 8; April 16, 1975, senate concurred in house amendments: Yeas 24, Nays 6; that Section 4 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 22, Nays 8; April 16, 1975, senate concurred in house amendments: Yeas 24, Nays 6; that Section 3 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 22, Nays 8; that Section 5 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 22, Nays 8; April 16, 1975, senate concurred in house amendments: Yeas 23, Nays 7; that Section 6 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 27, Nays 3; April 16, 1975, senate concurred in house amendment: Yeas 29, Nays 1; that Section 7 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 24, Nays 6; that Section 8 of S.J.R. No. 11 was adopted by the senate on April 1, 1975: Yeas 27, Nays 3; and that April 24, 1975, the senate adopted S.C.R. No. 55, authorizing the enrolling clerk to make certain conforming changes in S.J.R. No. 11 made necessary by adoption at a special election on April 22, 1975, of S.J.R. No. 3 of the 64th

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Legislature: Yeas 29, Nays 0; adopted by the house, with amendments, on April 8, 1975: Yeas 121, Nays 19; that Section 2 of S.J.R. No. 11 was adopted by the house, with amendments, on April 8, 1975: Yeas 106, Nays 37, 3 present not voting; that Section 3 of S.J.R. No. 11 was adopted by the house on April 8, 1975: Yeas 113, Nays 31, 2 present not voting; that Section 4 of S.J.R. No. 11 was adopted by the house, with amendments, on April 8, 1975: Yeas 103, Nays 39, 2 present not voting; that Section 5 of S.J.R. No. 11 was adopted by the house, with amendments, on April 9, 1975: Yeas 124, Nays 20, one present not voting; that Section 6 of S.J.R. No. 11 was adopted by the house, with amendment, on April 9, 1975: Yeas 127, Nays 17; that Section 7 of S.J.R. No. 11 was adopted by the house on April 9, 1975: Yeas 109, Nays 37; that Section 8 of S.J.R. No. 11 was adopted by the house on April 9, 1975: Yeas 135, Nays 12; and that April 30, 1975, the house adopted S.C.R. No. 55, authorizing the enrolling clerk to make certain conforming changes in S.J.R. No. 11 made necessary by adoption at a special election on April 22, 1975, of S.J.R. No. 3 of the 64th Legislature: Yeas 131, Nays 3.

Signed by the Governor May 23, 1975.

PROPOSED CONSTITUTIONAL AMENDMENTS—WATER DEVELOPMENT BONDS

S. J. R. No. 49

Proposing a constitutional amendment authorizing an additional \$400 million in Texas water development bonds that may be issued on approval of two-thirds of the members of each house of the legislature; amending and consolidating the provisions of Sections 49-c, 49-d, and 49-d-1, and repealing Sections 49-d and 49-d-1; or, in the alternative, providing that approval of this resolution constitutes legislative approval of state debt as required by Article VIII of the Texas Constitution, as revised in 1976, providing for submission to the qualified voters of the question of whether to authorize the legislature to provide by law for an increase of \$400 million in the amount of Texas water development bonds that may be issued on approval of two-thirds of the members of each house of the legislature, and providing that approval of the question submitted by a majority of the qualified voters constitutes voter approval of state debt as required by Article VIII of the Texas Constitution, as revised in 1976.

Be it resolved by the Legislature of the State of Texas:

Section 1. That if the constitutional amendment proposed in Section 5 of Senate Joint Resolution No. 11, as passed in the regular session of the 64th Legislature, is not adopted by a majority of the qualified electors voting on the question on November 4, 1975:

(a) Section 49-c of Article III of the Texas Constitution is revised to read as follows:

"Sec. 49-c. Texas Water Development Bonds and Contracts

"(a) The issuance of Texas water development bonds is hereby authorized in an aggregate principal amount not to exceed \$400 million. The legislature by a record affirmative two-thirds vote of the membership of each house may authorize the issuance of all or any part of an additional aggregate principal amount of Texas water development bonds not to exceed \$400 million. Bonds authorized under this subsection may be issued only for such water development purposes as prescribed by law.

"(b) The issuance of Texas water development bonds is hereby authorized in an aggregate principal amount not to exceed \$100 million, which bonds may be issued only for such water quality enhancement purposes as prescribed by law.

"(c) Texas water development bonds are issued in such manner and installments and upon such terms and conditions, bear such rates of interest, and mature as prescribed by law. The legislature shall provide by law for such other implementation of this section as the legislature determines appropriate.

"(d) Texas water development bonds are secured by the full faith and credit of the state, and there is hereby appropriated out of the first money coming into the treasury in each fiscal year, not otherwise appropriated by this constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year. No bonds authorized under this section may be issued without prior approval of the attorney general and registration by the comptroller of public accounts; after approval, registration, and delivery to the purchaser the bonds are incontestable.

"(e) The legislature by law may provide for the execution of contracts in excess of two years duration between the state or a state agency and